

# Coronavirus:

## Guide for International Employers

***What's next?***

Our specialist employment lawyers from across the world have put together this Guide to help international employers navigate the key issues around keeping your employees safe and your business on the road in the time of coronavirus .



For example, working from home; what happens if an employee falls sick; dealing with national lockdowns in the countries to which this applies; and accessing much-needed government funds to keep businesses going.

**Our list of topics is as follows:**

- **Restrictions on daily life**
- **Resuming activity**
- **Data privacy and the use of apps**
- **Pay and leave**
- **Reduction of activity and restructuring**
- **Travel**
- **Discrimination**
- **Reporting to the authorities**
- **Emergency laws and the implications for businesses**



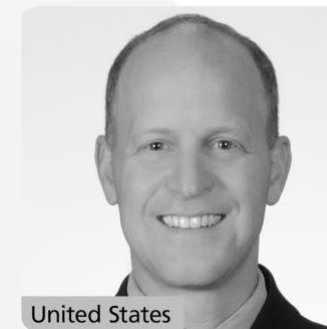
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### Our Global Taskforce

Get in touch with our coronavirus team for all queries about employment and the coronavirus in any of our 59 countries. The team can put you directly in touch with partners in the countries you need to know about.

**The coronavirus** is spreading very fast, so we look at the steps you can take to keep your employees and your business as safe as possible.

Note that we make every effort to keep this document up to date, but the landscape is changing every day. Before you take action based on anything we say here, please verify it with a specialist employment lawyer. There are plenty to choose from – at the end of each country's text you will find contact details.

You can also visit our [Coronavirus Resource Page](#) and find the information and tools you need to help you manage your international workforce in the wake of the coronavirus .

 Click on a country to go directly to it

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# Argentina

Last updated:  
12/5/2020

## 1 Restrictions on daily life

From midnight 19 March, the Government has imposed a restriction on freedom of movement and 'preventive and compulsory social isolation' for anyone who lives in the country or is temporarily in it. The restriction has been extended to 24 May.

During the period of compulsory isolation, no cultural, recreational, sporting, religious, or any other type of event involving the attendance of individuals may take place. People must remain at home, or in their place of transitory residence. They must abstain from attending work or going to public places. During the isolation period, they will only be allowed to carry out minimal trips to obtain cleaning supplies, medicines and food. Malls, restaurants and pubs are also not allowed to open.

Infringements of the compulsory isolation measure will be required to cease immediately and action will be taken by the competent authority, within the framework of the Penal Code.

The Government has made exceptions to mandatory isolation. Individuals involved in activities and services declared essential in the emergency are exempt and their movements must be limited to strict compliance with those activities and services. The full list of exemptions is available [here](#), [here](#) and [here](#).

## 2 Resuming activity

Compulsory isolation is gradually being relaxed with the incorporation of some exceptions. From 10 April the government allowed the reopening of: some banking operations, money transfer businesses, utility payments, notarial activity ('limited exclusively to enabling the fulfillment of essential activities and services' or urgent cases) and private energy infrastructure work. Maintenance and repair services are permitted for public transport, security and armed forces vehicles, ambulances or those used by individuals authorised to drive under the current regulations.

Employers who are restarting operations must follow the Ministry of Health recommendations:

- Provide your employees with disinfecting products (alcohol gel, tissues, etc.) and promote regular hand-washing by employees and customers.
- Train your employees about the symptoms and preventative measures they can take to avoid contagion.
- Reduce the number of people in the workplace (by home working) and if it is essential to be present, reduce the number of people in common spaces.
- Avoid group meetings.
- Suspend internal and external events.
- Place gel alcohol dispensers on doors.
- Ventilate closed spaces.
- Frequently clean workspaces and work tools.
- Avoid contact with sick people or people with symptoms.
- Request employees with symptoms of coronavirus and/or who were in contact with infected people, not to enter the workplace.
- Ask employees who have returned from a trip from another country not to come to work.
- Instruct employees not to self-medicate.
- Ask employees not to share 'mate' (popular infusion in Argentina, that is usually shared), glasses, forks, etc.
- Recommend employees maintain personal hygiene and distance from other employees.

If an employee has symptoms such as fever, coughing or breathing difficulties they should stay away from work until a

doctor can confirm they do not have the coronavirus. Meanwhile, you should ensure the entire working area is clean and disinfected.

If an employee has fallen sick with coronavirus, he or she must stay away from the office, let a Public Hospital know and take measures to isolate from others. Employees who have been in close contact with an infected person or recently returned from a high-risk area must also self-isolate at home with active medical surveillance for 14 days. At the same time, you, as the employer, should keep an eye on the symptoms of any employees who have been in close contact with any infected employees.

Generally, try to keep the workplace calm, provide hygiene products, stay informed about employees' symptoms and travel, and communicate regularly with all your employees to keep them informed.

Employees cannot refuse to come back to the office, except he/she has some legal dispensation.

You are entitled to ask an employee about whether they are infected or have recently travelled to a high-risk area. Employees are obliged to inform you immediately if they have the coronavirus. It could be a serious offence for them to fail to do so, or they could incur civil liability. You are not entitled to force someone to be tested. Therefore, if you think an employee is getting increasingly

sick, you should contact a doctor or Public Hospital and they will decide on any tests or treatment.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

The Ministry of Health, has established a specific duty of confidentiality, under which medical personnel can require a worker to be permitted to stay away from work by merely stating that the worker is in a 'risk group', without further details of the illness or medical condition that warrants it.

The government has placed an obligation on workers to disclose if any of the following situations applies to them: 'suspected case', infected, 'close contact' of suspected or infected cases or a history of travel to affected areas (Article 7 of DNU 260/220).

The Ministry of Labor has also established an obligation on employers and employees to report any cases of infection and close contacts to the national health authority.

If your organisation has registered a case of a worker with coronavirus, you can report it within the organisation, but without mentioning the name of the person involved and their close contacts.

If you think an employee is getting increasingly sick, you should contact a doctor or Public Hospital and they will decide on any tests or treatment.

#### ***Tracing apps***

Tracing apps are only allowed in Argentina if strictly necessary for security reasons (e.g. in relation to transport of merchandise, cash or public transport). They are not permitted for medical or other reasons.

### **4 Pay and leave**

#### ***Sickness and quarantine pay***

If an employee must stay in quarantine for two weeks, they are still entitled to be paid by the employer or by the health insurance service for occupational diseases, depending on the circumstances.

Employees infected with coronavirus are entitled to be paid in the normal way. Sick pay is payable by the employer if they can provide the required medical certificates.

Employees who telework and employees who perform the 'essential activities' described in 2 above are entitled to be paid in the normal way.

Employees who must self-isolate and do not work will receive a non-salary payment from their employer.

### ***Temporary state support for pay***

There is no temporary state support for pay.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

The only measure employers can take to reduce their activity is suspension of the employment contract, paying non-salary assignments agreed individually or collectively. This must be approved by the Labor Ministry. Only contributions to the social health system (Acts 23,660 and 23,661) are payable for these assignments. The non-salary amount is usually equivalent to a percentage of employee's usual remuneration.

The Government has issued an Emergency Decree temporarily prohibiting dismissals without cause and dismissal on the grounds of lack or reduction of work and force majeure for 60 days from 31 March 2020. This means employers are not allowed to use temporary layoff measures or impose holidays. Employers can agree with employees on reducing working hours.

The Ministry of Labor recommends employers reduce the presence of workers in the workplace for the proper operation of the company, and adopt the necessary measures for teleworking.

During the isolation period, employers must pay salary or non-salary payments to the employees, whether or not they work, see 4.

Employers can suspend workers for 'duly proven reasons of force majeure' for up to a maximum of 75 days in one year (s 221 of the Labour Contract Law). The current situation could reasonably be framed as a force majeure event, but the most appropriate or most convenient legal measures must be decided case-by-case.

The official crisis prevention procedure must be completed before communicating dismissals or suspensions for force majeure affecting more than 15% of workers in companies with less than 400 workers; more than 10% in companies with 400 - 1,000 workers; and more than 5% in companies with 1,000 plus workers (Act 24013).

There is a possibility for employers to pay employees for non-salary assignments agreed individually or collectively (s 223 bis of the Labour Contract Law. This must be approved by the enforcement authority. Employers cannot impose vacations, since employees must be informed of them 45 days in advance.

### ***Restructuring***

As described above, The Government has temporarily prohibited dismissals without cause and dismissals and suspensions for economic reasons or

force majeure until 30 May 2020. Suspensions under s223 bis of the Labor Contract Act (see above) are exempt from this prohibition. Any dismissals or suspensions that violate the Emergency Decree will be null and unenforceable.

## **6 Travel**

The Argentine government has introduced travel restrictions and temporary flight suspensions. Argentina has closed its borders until 12 April included, for non-resident foreign nationals. Entry into Argentina is prohibited for 30 days for non-resident foreign nationals who have passed through 'affected areas' in the 14 days before their arrival. This prohibition will last until 13 April 2020 (for non-resident foreign nationals who have stayed in China, South Korea, the Islamic Republic of Iran, Japan, the US, the UK, EU states and Schengen area countries) and until 15 April 2020 for non-resident foreign nationals who have stayed in Chile and Brazil). International passenger flights from 'affected areas' are suspended for 30 days. International passenger flights from China, South Korea, The Islamic Republic of Iran, Japan, the US, the UK, EU states and Schengen area countries are suspended until 12 April 2020. International passenger flights from Chile and Brazil are suspended until 15 April 2020: the Ministry of Health included both countries in the coronavirus affected zone area on 16 March 2020.



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The authorities recommend employers ensure all employees returning from travel to high-risk areas should stay home for 14 days and try to avoid all social contact, even if they have no symptoms. During this time, you must continue to pay salary.

## 7 Discrimination

The Constitution contains certain labour rights, including the principle of non-discrimination based on illness or any other arbitrary or unfair distinction. However, you may allow employees at high risk to work from home and this would not be deemed discriminatory. You must ensure you treat employees infected with coronavirus equally with other employees who are temporarily unwell for other reasons.

However, be aware of any possibility that co-workers could discriminate against each other, for example, based on nationality. You need to ensure you take any necessary measures to prevent this, otherwise you, as the employer, may also be liable for damages.

## 8 Reporting to the authorities

If an employee shows symptoms of coronavirus, we advise you call to Health Authorities (#147 phone number) that operates under the Health Ministry Protocol, to have the patient moved to an appropriate location or recommend to stay at home, isolated. You must be

cautious and treat all information about this with discretion, so as not to affect the employee's privacy.

## 9 Emergency laws and the implications for businesses

The government has declared a health emergency, allowing the President to take extraordinary measures which without the declaration of an emergency would require the intervention of the Federal Congress, such as restrictions on the freedom to move or work and closing borders.

A reduction in contributions to the social security system has been established where it is necessary to hire temporary workers due to the health emergency. However, at the current moment, there are no tax reductions for employers.

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# Australia

Last updated:  
31/3/2020

## 1 Safety and hygiene

You should provide and maintain a safe working environment without risks to employees' or others' health. Give necessary information, instruction or training in a way that is readily understandable (consider any language barriers). Monitor the health of employees and others in all workplaces and monitor workplace conditions. Ensure that individuals other than employees are not exposed to health and safety risks.

You need to identify whether there is a risk to the health from coronavirus exposure in the workplace. This can include monitoring expert advice, reviewing infection control policies, procedures and practices to ensure they are effective and are being followed and keeping employees and others up to date on new information.

Where a risk is identified, you need to manage exposure to that risk. This may mean providing adequate facilities or products (such as hand sanitiser) to allow employees and others to maintain good hygiene practices and developing an infection control policy. You should advise employees and others to self-isolate at home for 14 days if they have been in mainland China on or after 1 February 2020, travelled to Iran in the past 14 days or been in close contact with confirmed coronavirus cases.

In the event of a confirmed case, you should immediately seek advice from

health authorities. The communication requirements will depend on the circumstances and should be informed by medical advice. However, the Privacy Act 1988 does not prevent the sharing of critical information to manage the spread of the virus.

As a general proposition, we recommend being transparent with employees and providing regular updates about the company's approach to these matters, along with the latest developments. While certain information about the affected employee's situation can be disclosed, it does not mean you can disclose any information about an employee who has tested positive.

Consider how to manage performance whilst supporting employees' wellbeing in what threatens to be a highly anxious environment for many. Think about overtime: compliance obligations remain important in a crisis.

## 2 Testing

In the current circumstances we think it is reasonable to require an employee to inform you if they have been instructed to isolate or are in the category of persons within the scope of any government travel advisory. It is also not unreasonable, and would be an appropriate safety control, to require such an employee to stay at home and not permit them to attend at the workplace.

So far, regulators and government have not directed or recommended mandatory health screening of workers for coronavirus when attending at a workplace. Temperature testing (using non-contact thermometers) is an alternative, less invasive, screening measure which is being trialled in some workplaces as a risk mitigation measure in addition to requiring employees to self-disclose any symptoms.

However, temperature testing is not conclusive. A fever may be masked by medication; not every fever is caused by coronavirus; the virus does not always present with a fever; or a person may still be in the incubation period and exhibit no symptoms (current evidence suggests that a person may spread coronavirus whilst asymptomatic).

Notwithstanding this, a temperature screening regime may be implemented at a workplace by consent, or as a lawful and reasonable direction consistent with your work health and safety obligations, subject to meeting legislative and other consultation and privacy obligations. Testing should only be carried out by appropriately qualified persons and the legal and practical implications of a positive fever result, in terms of the person's employment, carefully considered.

Generally speaking, unless there is a particularly high risk associated with an individual and you receive medical advice that the information should be shared with others, we consider that it is not reasonable or necessary to tell other team members that an employee has reported symptoms consistent with the virus.

However, if an employee has been advised by a medical professional that they are in a high-risk category and need to be tested, we are of the view that this information can be treated in the same way as information relating to the positive testing of an employee (as mentioned above).

### 3 Restrictions on daily life

#### ***Lockdown***

On 22 March 2020, Prime Minister Scott Morrison announced a series of comprehensive restrictions on non-essential gatherings and services. The businesses caught by the restrictions are generally places of social gathering, including pubs, registered and licensed clubs (excluding bottle shops attached to these venues), hotels (excluding accommodation), gyms, indoor sporting venues, casinos, night clubs, restaurants, cafes (except for takeaway and/ or home delivery), religious gatherings, places of worship or funerals (in enclosed spaces and other than very small groups and where the one person per four square

metre rule applies). Isolated remote community hubs are specifically excluded. The Prime Minister has stated Australians should expect the restrictions to be in place for at least six months.

#### ***Employers' response***

The power to stand down employees without pay is derived from the Fair Work Act 2009 (Cth) ('FW Act'), enterprise agreements and contracts of employment. Note that industrial instruments and employment contracts take precedence over the FW Act.

Employers must ensure that each of the three limbs under s 524(1) is satisfied. An employer may stand down an employee:

- during a period in which the employee cannot usefully be employed;
- because of a stoppage of work for any cause;
- for which the employer cannot reasonably be held responsible.

Stand downs will be closely scrutinised and likely to be challenged if not implemented in accordance with the applicable legal obligations. If a stand down is found to be unlawful, employers could be ordered to back pay their employees and the employees may have a right to return to 'useful' work. See [here](#) for more information.

Another option to minimise stand downs (if available), and redundancies, is to renegotiate employee salaries and working hours with their employees.

In doing so, it is important to remember that employers may not unilaterally impose changes to employee hours, salaries, or other material contractual entitlements, without employee agreement. Doing so would constitute a repudiation of the contract of employment and expose employers to risk of a breach of contract claim.

You may also consider Leave Without Pay (LWOP). For more details see [here](#).

### 4 Pay

#### ***Sickness and quarantine pay***

Personal/carer's leave will apply:

- When a full or part-time employee is not fit for work because they have contracted the virus;
- If an employee needs to look after a family member or member of the employee's household who is sick with the virus; or.
- If an employee needs to look after a family member or member of the employee's household because of an unexpected emergency (the need must be 'unexpected' to trigger the leave entitlement).

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There is no limit on the number of days of accrued leave that can be taken for either of these purposes. Employees have to give notice to get paid for personal/carer's leave.

There are no specific requirements addressing the case of an employee in isolation/quarantine. You may wish to develop policies to address this situation.

### ***Temporary pay support***

See point 9 below for information on general economic measures.

## **5 Travel**

The National Security Committee of Cabinet has decided to raise the advice for all overseas travel to the highest level, meaning all Australians are advised not to travel overseas at this time. Anyone arriving in Australia from overseas, including Australians citizens and permanent residents, will be required to self-isolate for 14 days from the date of arrival.

## **6 Discrimination**

You should be mindful to ensure there is no breach of anti-discrimination laws when putting plans into effect. Increased discrimination has emerged amidst the anxiety surrounding the virus, and employers should be aware that conduct may be unlawful even if it arises from a genuinely held fear about the virus.

## **7 Advice from the authorities**

You need to be on top of the latest health information being provided by the relevant health departments. Events are unfolding quickly and your intelligence needs to be updated to reflect the available public health advice.

## **8 Emergency laws and the implications for businesses**

[Details of the extensive measures introduced to support businesses.](#)

## **9 Other points**

Organisations should look at worst-case scenarios and develop contingency strategies to manage operating costs and protect the business in the long term. In this volatile environment, employers should be prepared to adapt by implementing prepared response plans.

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# Austria

Last updated:  
11/5/2020

## 1 Restrictions on daily

Although there has been an easing of lockdown in the last week of April and especially since 1 May 2020 in Austria, social distancing measures and restrictions ordered by the Ministry of Social Affairs, Health, Care and Consumer Protection are still in place. These measures include keeping a minimum distance of one metre from others in public places for people who do not live in joint households and obligations on mask wearing in enclosed spaces and on public transport as well as in shops, and other public places.

## 2 Resuming activity

Under the 'COVID-19 easing of lockdown regulation' (COVID-19-Lockerungsverordnung) most business premises were allowed to reopen from 1 May 2020. Restaurants are expected to reopen on 15 May 2020 and accommodation facilities on 29 May. For the restart of all businesses, there are specific protective measures on social distancing and keeping a minimum distance of one metre apart put in place. If the minimum one-metre distance cannot be maintained, employees must wear face masks for their personal protection and that of others.

Information should be handed out by the employer to the employees regarding their duties, including the legal duty to inform the employer if they have tested

positive for coronavirus or have been in contact with a person who has tested positive and to stay home in case of any symptoms.

According to the general duty of care employers are obliged to protect the life and health of their employees and provide sufficient safety measures. Many employers therefore plan to divide their workforce into groups that come to work on a rotating basis or to further separate employees' workspaces (e.g. with partitions).

Employees are not entitled to refuse to come back to work without any reasonable ground (e.g. just because they believe that there might be a risk of being infected). This could be considered a general refusal to work unless an actual threat of infection exists (e.g. if the virus has previously spread in the immediate working environment). There are also exemptions from the obligation to return to work on site for specific high-risk-groups and pregnant woman under specific circumstances.

If there are reasonable grounds to believe that an employee may be infected (e.g. contact with an infected person), you can request the employee to get tested, as the interest of the safety of employees collectively outweighs the desire of single employees not to get tested. If you are notified of an infected person who was present in the workplace/had contact with other employees or customers you must

call the emergency number 1450 and have (all!) employees tested for infection.

## 3 Data privacy and the use of apps

### *Protecting privacy*

The Austrian data protection Act (DSG) grants specific protection for sensitive data such as health data related to coronavirus infections or suspected cases of infections of employees. Otherwise, health data can be used as far as the use is necessary to control the spread of the virus and to protect people's life and health. Employers need to meet their legal obligations to protect employees' health. For preventive risk management, you can save private mobile numbers of employees temporarily to be in the position to warn employees in the event of spread of the virus at the workplace. Employees are not obliged to consent. As soon as the pandemic is over, employees' sensitive health data that is no longer needed must be deleted immediately.

Whether the identity of an infected person may or even must be disclosed to other employees in order to fulfil the employer's duty of care is examined on a case-by-case basis. Since you would not know in detail which other employees have been in direct contact with the infected person, all employees must usually be informed about the infection. The privacy interests of the infected employee under data

protection law and the personal interests of the employee who made an inquiry to learn about possible infections must be weighed against each other. The Austrian data protection authority announced in a recently published guideline that infected employees' health data may be used to the extent necessary to contain the further spread of the coronavirus and to protect other people.

Employees are obliged to report a coronavirus infection to you based on their duty of good faith towards you to allow you to take preventive measures to control the spread of the virus.

#### ***Tracing apps***

The obligatory use of a tracing app is only possible if specific working conditions require its use and only limited to the most appropriate and necessary means (e.g. where personal contact is unavoidable). In companies with a works council, an agreement with the works council is usually required. Moreover, you can only require the obligatory use of tracing apps for company mobile phones. Employees are basically not obliged to use these apps during spare time and on their private mobile phones (if not agreed differently).

If you refuse access to the office because an employee refuses to use tracking apps, it cannot be regarded as a general refusal to work by the employee, provided that there is no legal requirement for employees to use such an app. Stopping

payment of salary is not justified; however, if there is a legal obligation to use the app and the employee still refuses it, this may be the basis for a summary dismissal (to be assessed on a case-by-case basis).

If an employee gets infected with the coronavirus and must stay in quarantine, this is treated as normal sick leave and the usual rules for salary payment apply (see below).

## **4 Pay and leave**

### ***Sickness and quarantine pay***

Under the Austrian Epidemic Act (to which coronavirus was explicitly added), employers are basically obliged to pay their employees if they cannot come to work either because they are in quarantine or because the workplace has to be shut down due to a (possible) infection. Employers can apply to the federal government for reimbursement of continued salary payments in these cases. However, in case of a shut down this only applies if the workplace was closed by a governmental by-law based on the Austrian Epidemic Act.

If an employee gets infected with the coronavirus, this is treated as normal sick leave and the usual rules for such cases apply. When an employee becomes sick intentionally or as a result of gross negligence, the employer will not be responsible for sick leave payments.

### ***Temporary support pay***

The federal government has implemented 'corona short time work' (Corona-Kurzarbeit). The company must conclude an agreement with the works council or with each affected employee. The employer has to send the signed agreement(s) to the Austrian Labour Market Service (AMS) with a form giving details of the affected employees and the business concerned.

Corona short-time work may currently be agreed retroactively from 1 April 2020 (initially from 1 March 2020) for up to three months until 30 September 2020 at the latest. Usually employees have to use up their holiday and compensatory time-off from previous years of service in agreement with the employer before starting short time work. If the short-time work lasts more than three months, employees must use three (additional) weeks of vacation from the current vacation year (if they have accrued that many days).

During short-time work, an average of at least 10% (maximum of 90%) of the weekly normal working time of the employees concerned may be agreed on. Working hours can be flexible as long as the average working hours are at least 10% over the whole period of short-time-work.



Depending on the employee's salary (< EUR 1,700 gross / < 2,685 gross / > 2,685 gross) the AMS pays the difference (to the actual working time of the employee during corona-short-time-work) to guarantee the employee earns between 80 and 90% of the former net income. No short-time-work aid is paid for salaries above EUR 5,370. During short time work no employee can be laid off for business reasons (and no employee on short-time work can be laid during one month after the end of short-time-work).

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

Despite the corona crisis, in general, termination of employment contracts is possible, if the periods and formal requirements laid down in the law as well as in the employment contract are respected. Mutually agreed terminations are still admissible; however during short-time-work employee must be given the possibility to consult with the works council/unions first, as otherwise the employer would have to employ a substitute employee instead of the (mutually) terminated employee. Employers can basically put employees on garden leave, during notice periods or otherwise. Employees' approval is not needed, but they are entitled to full continued pay during the garden leave.

A reduction of working hours can basically only be agreed on mutually. If the employee does not agree to changes which are not covered by the employment contract (and a respective waiver), the only admissible procedure to unilaterally change the employment contract is a termination with the option of modified conditions of employment ('Änderungskündigung'). Then the employee would continue to be employed if he/she accepts the amendment to the employment conditions.

Usually the consumption of holidays and time credits according to Austrian Law must be agreed by mutual consent. Currently an exception was made for employees who cannot work due to the closure of or restrictions to their workplace imposed in accordance with the COVID-19 Measures Act. Based on these regulations, employees must use up holiday (up to eight weeks, including two weeks maximum of the current year's vacation) and time credits during the closure period. Apart from this legal provision, employees may be required to (partly) use up their unused vacation based on their duties of loyalty.

### ***Restructuring***

According to s 45a of the Austrian Labour Market Funding Act (Arbeitsmarktförderungsgesetz) employers are basically obliged to notify the AMS in writing for collective dismissals to be given within a 30-day period (mutual terminations are also to be

taken into account). This procedure is triggered by a specific number/percentage of a company's workforce being made redundant (e.g. 5% of the workforce in businesses with between 100 and 600 employees), or if five or more employees over 50 years old are made redundant. The general 30 day-period that must elapse between the notification of planned dismissals to the AMS and the service of notice to the employees may be shortened by the AMS based on significant economic grounds, such as coronavirus. Basically, no enhanced (financial) privileges apply to redundancies carried out during the coronavirus pandemic.

## **6 Travel**

Employees may refuse to go on business travel to high-risk countries if the trip would pose a specific danger to his or her health or life as substantiated by an existing travel alert. The employer cannot prevent employees from travelling to these countries privately (e.g. on holiday). However, if employees need to be kept in quarantine or get infected because of private travel to a high-risk region, they will not be entitled to payment from the employer during this absence from work.

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## 7 Discrimination

Employees' refusal to work with certain colleagues (or customers, for example because they have a Chinese family background) could be considered a general refusal to work and even discrimination in the workplace, which could lead to dismissal of the employee if there is no objective justification. The same goes for employers.

## 8 Reporting to the authorities

Employees refusal to work with certain colleagues or customers (e.g. due to their foreign country family background) could be considered a general refusal to work and even discrimination in the workplace, both of which could lead to dismissal of the employee if there is no objective justification. The same goes for employers.

## 9 Emergency laws and implications for businesses

A COVID-19 crisis management fund (EUR 38 billion) has been established by the federal government for Austrian businesses. The fund guarantees liquidity, ensures jobs and help companies in cases of hardship. The self-employed and companies with fewer than ten employees can receive benefits directly from a 'hardship fund'.

Companies with coronavirus-related economic problems can informally apply

to the Austrian Health Insurance Fund ("ÖGK") for deferral of social security. No interest on arrears is charged during the deferral. Contributions are automatically deferred for companies closed by the authorities.

Tax relief measures have been introduced. The 2019 tax declaration submission deadline is now 31 August 2020.

The deadline to file for bankruptcy has been extended to 120 days after insolvency, provided the insolvency was caused (at least in part) by coronavirus.

Judicial deadlines were interrupted by law until 30 April 2020. This means that deadlines ceased to run and started to run entirely anew on 1 May 2020. Prescription periods were suspended until 30 April 2020. Suspension of the statute of limitations had the effect of 'hitting the pause button': hence on 1 May 2020 the deadline did not restart but continue to run.

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# Bahrain

Last updated:  
11/5/2020

## 1 Restrictions on daily life

The government's lockdown in operation since 24 April was partially lifted on 7 May 2020. Commercial and industrial businesses that provide goods or services directly to customers have been allowed to re-open provided that the wearing of face masks is obligatory for anyone on the premises, social distancing is implemented, and premises are regularly disinfected. All other non-essential businesses (with the exception of hypermarkets, supermarkets, cold stores, bakeries, pharmacies, fuel stations, banks, corporate administration offices of organisations that do not directly engage with customers, export and import businesses, automotive garages and repair shops, businesses in the construction and maintenance industry and manufacturers) remain closed. Only delivery services will be available during this period.

The government has refrained from ordering a curfew but has urged citizens and residents to remain at home as much as possible, and leave only if necessary. Public gatherings of more than five individuals have been banned and gatherings in public beaches and parks have also been prohibited. Violators face a jail term of up to three years and/or a fine of up to BD 5,000. Anyone going out in public must wear a face mask or risk a fine of BD 5.

## 2 Resuming activity

Employers should take precautions to protect the health and safety of all staff. This can include providing tissues and alcohol-based hand sanitisers, educating staff on the risks of contracting and spreading the virus and ensuring that staff who may have been exposed to the virus or who have similar symptoms do not attend work. It can also include finding alternative ways of working, including working remotely and keep up-to-date with government guidance. The Ministry of Health has issued guidelines on the recommended response for workplaces which includes these measures.

Employees who are sick should be asked to go home or remain at home and seek medical treatment. Anyone who has come into contact with a sick person but is not showing any symptoms should be asked to see a doctor, particularly if they have travelled to a high-risk area.

Employers should educate staff on measures they can take to prevent infection and update on any current government advice and material changes.

If employees are showing symptoms similar to the virus then they can be asked to get a medical diagnosis and to stay away from work until they recover. Employees can also be asked whether they have travelled to a high-risk area or have plans to do so in the near future.

Employees can refuse to disclose details of their medical health but if there is any suspicion that the employee may be a risk to the health and safety of others then s/he can be sent home and required to see a doctor chosen by you.

Employees cannot be forced to take a test but employers have the right to request that they are seen by a doctor to prove their fitness for work.

## 3 Data privacy and the use of apps

Contact tracing is in place and the government has been heavily promoting its BeAware app for the public to report suspected cases of infection and to receive the most up-to-date information. Registration of user details is optional but any data provided is automatically collected and logged for contact tracing purposes.

Employees cannot be compelled to install the app and employers are not entitled to know when an employee receives a notification; although, employers can in the interests of safeguarding the health and safety of the workplace and protecting their staff from exposure to harm require employees to disclose whether or not they have come into contact with anyone suffering from coronavirus or have any symptoms that are common with the virus. Employees who refuse to cooperate can be denied access to the workplace.

Where employees are ordered to remain at home or in quarantine then they may be entitled to their wages. Anyone ordered to go into quarantine must comply or face up to three months in prison and a fine of up to BHD 10,000.

## 4 Pay and leave

### *Sickness and quarantine pay*

Employees are entitled to 55 days' sick leave (comprising 15 days' paid, the next 20 days at 50 per cent and the remaining 20 days without pay).

Where employees are placed in quarantine, they may not qualify for sick pay, and so payment of wages may be at your discretion.

### *Temporary pay support*

The government has made available salary subsidies for Bahraini nationals working in the private sector up to the value of BHD 4,000 per month for a period of three months.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

If you don't have a homeworking policy then you should consider putting one in place to deal with the threat of the virus.

If employees need to be placed in quarantine, this should be done in accordance with medical advice where possible and for the shortest period required.

Where the workplace has to be closed, alternative work options should be considered for staff. Where these are not viable, you will need to decide either to pay employees for any shutdown period, suspending the employment contract, or agree a period of unpaid leave.

Employers can consider the following measures to address the impact of the coronavirus epidemic: require employees to take annual leave, agree a period of unpaid leave or reduced working hours and reduced salary with the agreement of employees, or consider redundancies.

### *Restructuring*

Employers conducting a workforce reduction are required to give notice to the Ministry of Labour and wait 30 days before issuing notices to terminate employment. Once the 30-day period has expired then employers can terminate employment with a minimum of 30 days' notice or contractual notice if it is greater or make a payment in lieu of it.

## 6 Travel

The government has activated several procedures related to arrivals to the Kingdom of Bahrain. They include:

- Banning all non-commercial traffic from the Causeway bridge linking Saudi Arabia and Bahrain.
- Banning entry to all foreign visitors who have visited Iran, Thailand, Singapore, Malaysia and South Korea within 14 days of their date of arrival in the Kingdom.
- Bahraini citizens, GCC citizens and Bahraini residents who have visited Iran, Thailand, Singapore, Malaysia or South Korea within 14 days of arriving in Bahrain will be subject to quarantine and the enhanced testing procedures recommended by the World Health Organisation (WHO).
- Incoming flights to Bahrain have been reduced and visa on arrival has been suspended until further notice.
- All arriving passengers will be subject to testing for coronavirus and to quarantine for 14 days regardless of the outcome of the test.

## 7 Discrimination

There may be a risk of employees being discriminated against if they are sick or perceived to be sick. You should therefore take care to ensure that employees are not unfairly treated.

## 8 Reporting to the authorities

There is no requirement to report to the authorities at this time.

## 9 Emergency laws and the implications for businesses

The government has resisted imposing a curfew but has limited public gatherings to no more than five people and has now imposed a requirement on people wearing face masks in public.

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# Belarus

Last updated:  
6/4/2020

## 1 Safety and hygiene

There are no specific coronavirus -related duties for employers in relation to work safety.

Taking into account the general duty to ensure safe and healthy working conditions for employees and Ministry of Health recommendations -, it is advisable to consider the following additional measures:

- provide recommendations for employees regarding compliance with personal hygiene and preventive measures in line with the [Ministry of Health guidelines](#);
- introduce remote work, if possible;
- implement increased disinfection measures;
- prevent access to work for people with symptoms of acute respiratory infection (fever, cough).

## 2 Testing

There are no rights or duties of employers in relation to coronavirus testing.

## 3 Restrictions on daily life

### **Lockdown**

Belarus has not announced an emergency situation or national lockdown.

### **Employers' response**

As Belarus has not announced emergency situation or national lockdown, there are no specific coronavirus -related duties on employers. At the same time, many companies are taking measures to isolate their workers, if possible, in particular establishing a remote working regime.

Redundancies can only take place for relevant organisational, economic or financial reasons (which can be triggered by the coronavirus pandemic) with two months' notification of employees and compensation equal to three average monthly salaries. Redundancy means employment is terminated, but both parties can agree on new employment once the situation becomes stable again.

Part-time work or salary reduction can only be unilaterally imposed by employers through changing the basic working conditions, which must be done on legitimate grounds. If an employee does not agree on new working conditions during the one-month notice period, his or her employment can be terminated.

Upon mutual agreement, any changes can be implemented.

## 4 Pay

### **Sickness and quarantine pay**

General rules of sickness pay shall apply; there is no quarantine pay.

### **Temporary pay support**

There is no such support currently.

## 5 Travel

On 25 March 2020, the Council of Ministers of the Republic of Belarus adopted a regulation according to which people arriving in Belarus from the countries where cases of coronavirus infection have been registered must self-isolate for 14 calendar days from the date of arrival.

There are exceptions to this rule for employees of diplomatic missions, heads and members of official delegations, drivers of international transportation of goods, among others.

No additional obligation or rights have been introduced on employers relating to this.

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Although these issues must be resolved locally in each company individually, the new regulation may provide for employers to use the following where an employee returns from a country or region with coronavirus cases:

- suspension from work;
- absence from work for good reason with no salary for the relevant period.

Measures such as remote work, paid or unpaid social or work leave can be taken if the employee consents.

According to the Letter of the Ministry of Health of the Republic of Belarus 'On prevention of coronavirus infection' dated 13 March 2020 (No. 7-19/4568 the '13 March Letter'), organisations, institutions and enterprises are expected to postpone (if possible) business trips to countries severely infected by coronavirus : China, Italy, Iran, South Korea. They should also postpone visits from foreign citizens to perform work or provide services in Belarus until the epidemiological situation is stable again. If this is not possible, the employer must ensure that employees comply with measures to minimise the risk of infection in the territory of the hosting country.

## 6 Discrimination

No specific measures.

## 7 Reporting to the authorities

There is no obligation for employer to report to the authorities.

However, according to the 13 March Letter, organisations, institutions, enterprises are expected to promptly inform the territorial epidemiological and hygiene authorities about employees returning or planning to return from countries severely infected by coronavirus : China, Italy, Iran, South Korea.

## 8 Advice from the authorities

The Ministry of Health suggests Belarusian organisations implement additional sanitary and anti-epidemic measures:

- the provision of dispensers with antiseptic agents in public places;
- cleaning at least once a day with disinfectants;
- frequent ventilation of air;
- postponing business trips;
- informing hygiene authorities about employees who have returned (or are planning to return) from countries with severe coronavirus infection.

## 9 Emergency laws and the implications for businesses

There are no emergency orders or laws in Belarus. Nevertheless, the Government has introduced some relief measures, for example, deferred state property lease payments.

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# Belgium

Last updated:  
13/5/2020

## 1 Restrictions on daily life

Monday **4 May**, marks the start of a gradual 'deconfinement' process. Schools are closed and return to classes will be very gradual, with schools reopening on **18 May** but not for all pupils. Nurseries remain open. Shops can reopen on **11 May** but under strict conditions (recommended for shoppers to wear a mask, safe environment for employees in the shop, only one client per 10 m<sup>2</sup> but there is an exception for small shops).

The government expects that on **8 June**, without prejudice, the gradual reopening of restaurants, and later, pubs and bars, will be considered. The various summer activities such as travelling abroad, youth summer camps, internships, touristic attractions but also smaller outdoor events will be examined. The only certainty is that mass 'festival' type events will not be allowed before **31 August**. Deliveries of meals and takeaways remain available.

Public transport must guarantee social distancing. Citizens from 12 years old must cover their mouth and nose with a mask when using public transport. All gatherings are prohibited and citizens must stay at home, only going out for essential reasons. Walks and outdoor physical activities without physical contact are allowed, alone or with members of the same household and/or in the company of maximum two other persons who should always be the same, keeping 1.5 metres distance between

each person. Families can receive visits from the same four people (maximum) from **10 May**.

## 2 Resuming activity

Teleworking is no longer mandatory in 'non-essential' organisations but remains recommended. If teleworking is not applied, organisations must take the necessary measures to ensure maximum compliance with the rules on social distancing (1.5 metres between each person). The employer organisations and trade union organisations have drafted a generic guide of best practices as a mandatory source of inspiration for employers, see [here](#). In certain sectors, specific guides have been created. The FPS Employment, Labour and Social Dialogue has published a detailed list of prevention measures for the workplace (in Dutch and French), available [here](#).

You must inform employees promptly about the preventive measures in force and provide them with appropriate training. You must also inform third parties of the preventive measures in force promptly. Employers failing to comply with these measures risk severe sanctions. General good practice includes the following:

- You should regularly disinfect, provide disinfecting products and promote regular and thorough hand-washing by employees, contractors and customers.

- Promote good respiratory hygiene (covering mouth and nose with bent elbow or tissue when a person coughs or sneezes, disposing of used tissues immediately).
- Inform workers they should not come to work if they have symptoms such as fever or coughing
- Provide for homeworking with the employee's consent (for example, recent visits to areas where the virus is spreading).
- Provide instructions on what to do if someone shows signs of coronavirus infection.

If an employee gets sick, ask him or her to stay home and see a doctor. Ask them to check their temperature regularly and go see a doctor in case of doubt. For the safety of others workers, you can ask employees who are obviously sick to go home and advise them to seek treatment. If you believe an employee's condition clearly increases risks, you can contact the company doctor, who will decide if the worker needs a health assessment. Employees must act on this immediately.

Legally, employees must refrain from anything that could harm their safety, that of other employees, their employer or third parties. In general employees are not obliged to inform you about their health nor can you ask them to prove that they are fit to work. However, an

employee with coronavirus who continues to work and fails to inform you could incur civil liability. Testing may be subject to strict conditions, set out by the authorities: in Belgium currently, a person will only be tested if he or she shows severe physical symptoms of possible infection and is treated in hospital. The government is seeking to increase testing capacity.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

Employers must also take account of employees' right to privacy. The Belgian Data Protection Authority has taken a rather strict position on this, pointing out that a health risk assessment should not be carried out by the employer, but by the company doctor. This position seems open to challenge because, although the company doctor has an advisory function, the responsibility for the welfare policy still lies with the employer. The DPA also advises employers cannot oblige employees to fill in medical questionnaires or questionnaires about recent trips. The DPA advises employers to encourage employees to spontaneously report risky trips or symptoms to the company doctor.

Only the Belgian Institute of Public Health Science can collect patients' health data from health or care providers or organisations and process them in a

database. This data is confidential and employers do not have access to this sensitive and personal data.

#### ***Tracing apps***

There is discussion in Belgium on the use of tracing apps. Not only is their compatibility with privacy and data protection laws questioned, but there is also debate on whether they fall under the jurisdiction of the federal or one of the regional governments. For the time being, contact tracing apps are therefore not operational in Belgium. It is unclear whether they might be in the near future. It no longer seems to be one of the governments priorities.

### **4 Pay and leave**

#### ***Sickness and quarantine pay***

Employees who are infected with the coronavirus and unable to perform their duties can rely on the usual rules for incapacitated employees, including payment of their guaranteed salary for the first month's absence, if they can provide the required medical certificates.

#### ***Temporary state support for pay***

Temporary unemployment benefits for force majeure and 'economic reasons' have been increased until 30 June 2020 to 70% of the average capped salary of the employee (capped at EUR 2,754.76 gross). For temporary unemployment for

'force majeure', the Unemployment Office pays the employee a supplement of EUR 5.63 per day of force majeure unemployment.

In Flanders, the Flemish encouragement premium for employees of organisations in difficulty to encourage them to work part-time to avoid redundancies has been extended to organisations, that as a result of the corona-crisis, experience a fall of at least 20% in turnover, production or orders in the month in which the reduction in working hours starts, compared to the same month of the previous year. The employer must draft a plan which is subject to approval by the relevant social body; if there is no relevant social body, it must be included in the work rules. The employee's monthly premium amounts to between EUR 68 and EUR 172 gross and can start on 1 April 2020 at the earliest and end on 30 June 2020 at the latest.

The Flemish government will also cover energy bills for one month for families in Flanders where at least one person is temporary unemployed (allowance of 202.68 EUR based on an average household).



## 5 Reduction of activity and restructuring

### *Reduction of activity*

Measures not requiring employee consent: Flexible application of the temporary unemployment regime for force majeure is accepted with retroactive effect as of 13 March 2020 until 30 June (possibly extended until 31 August). This means temporary unemployment for force majeure will apply, for example, for organisations which close (partially or fully) due to government measures, but also for organisations facing a decrease in work due to a drop in revenue, orders, production, etc.

The organisation need not completely close. In practice, this means that some workers may be temporarily unemployed and others may not. Employees may also alternate days of work and temporary unemployment, but temporary unemployment always applies for a full day.

The procedure has also been simplified and unemployment benefits have been increased until 30 June 2020 (see 4).

After 30 June 2020 (possibly extended until 31 August), organisations that face a lack of employment as a result of the coronavirus and that are unable to employ their personnel at the usual rate will, most likely, be able to benefit from the temporary unemployment for 'economic reasons' regime.

For blue-collar workers, it is sufficient to prove that the regular working arrangements cannot be maintained for economic reasons. However, for white-collar workers, the organisation must meet certain preliminary conditions. Organisations that do not meet these conditions have the alternative option of submitting an application to the Minister of Labour to obtain recognition as a company in difficulties. A CBA or business plan must first be concluded for white-collar employees, but this obligation has been replaced by a national CBA (CBA n° 147) until 30 June 2020 (may be extended). Under it, a prior information and consultation procedure in the company must be observed and the employer must pay the employee a supplement of EUR 5 per day of unemployment for 'economic reasons'.

Other options such as suspending the employee's employment contract, taking up holidays or reducing working hours require the employee's consent.

The government has approved 'coronavirus parental leave'. Active parents, who have been employed by their employer for at least one month, can take coronavirus parental leave. Coronavirus parental leave is not an absolute right since it requires the employer's consent. Coronavirus parental leave can be taken by reducing working hours either by one-fifth (for full-time employees); or up to half (for full-time employees or part-time employees working at least 75%). Applicants must

have at least one child under the age of 12. For disabled children, the age limit is 21. An employee can take coronavirus parental leave from 1 May 2020 until 30 June 2020, (subject to publication without modification of the scheme in the Belgian state gazette).

### *Restructuring*

There are no restrictions on restructuring imposed by coronavirus-related national programmes in Belgium and trade unions and works councils cannot impose restrictions on restructuring or staff reductions.

An employer must inform and consult with employee representatives if considering multiple dismissals for economic, technical or organisational reasons. The information and consultation obligations are relatively limited as long as the threshold for a collective dismissal is not reached. However, if the restructuring involves a collective dismissal, a highly formal procedure applies.

The provision of information and the consultation takes place with the works council, or the trade union delegation in the absence of a work council. If no trade union delegation exists, it takes place with the H&S Committee, and if no social bodies exist at all, with all employees. The employee representatives will demand to be assisted by external union secretaries.

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Based on the statistics of the Belgian Ministry for Work (the Federal Public Service Employment, Labor and Social Dialogue), an average consultation for a collective dismissal took about 81 days in 2019, with a median of 66 days. At least three to six consultation meetings with the works council are considered to be a minimum in practice before being able to end the consultation process in the event of a collective dismissal.

If trade unions or individual employees believe that they have not been properly consulted, they can start summary proceedings and ask for the restructuring to be suspended until the consultation process has been finalised. Dismissed employees may also claim damages. In the event of a collective dismissal, other specific sanctions apply. However, this type of court action is rare and seldom successful. Finally, criminal penalties apply both for the organisation and its directors who have not complied with the information and consultation obligations. Criminal prosecution is, however, rare.

## 6 Travel

Non-essential travel to and from Belgium is temporarily prohibited (currently until 8 June but may be extended). Frontier workers working in Belgium but living in a neighbouring country need a certificate that they need to cross the border for work.

## 7 Discrimination

In Belgium, we are not aware of discrimination against employees who have an ethnic background associated to the coronavirus. However, you should remain vigilant to avoid any discriminatory behaviour.

## 8 Reporting to the authorities

There are currently no reporting procedures in place. Extensive information on the temporary unemployment regimes can be found on the [website of the National Employment Office](#) (NEO).

## 9 Emergency laws and the implications for businesses

The government has received 'extraordinary powers' since there is currently no official government in Belgium. These powers allow the ad hoc government to take the necessary measures to control the pandemic. Parliamentary control is enforced in the future since all rules and regulations will have to be approved subsequently by the parliament.

Police forces have received strict instructions to make sure the measures are enforced.

The government has also taken measures to support organisations suffering from the effects of the coronavirus, such as payment plans for

social security contributions, withholding tax, income, corporate tax, VAT, etc.

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# Brazil

Last updated:  
7/5/2020

## 1 Restrictions on daily life

If necessary, the federal, state or municipal, governments can order quarantine, curfews, restrictions on circulation and closing of non-essential activities. Restrictions vary according to local needs, but federal law only can determine if activities are essential. Many companies have opted for voluntary quarantine. Those who are carrying on with their operations during the pandemic must provide information, protection and sanitising material and adjust operations to minimise contact and proximity, to comply with the duty to look after employees' health if not to comply with any express legal requirement. Extraordinary legal provisions permit the suspension of employment for up to 90 days (similar to furlough), the reduction of work hours and salaries up to 70% and up to 90 days' anticipated vacations, among other temporary emergency measures (see details in 5 below). As a result of local regulations, in São Paulo, for example, companies may have the duty to provide employees with masks and to install protective equipment (e.g. barriers and distancing) and to provide sanitising materials.

## 2 Resuming activity

Given the absence of federal lockdown measures in place (in fact the government has recently declared that lockdown is a matter of local need and interest), there are no generally

applicable instructions on resuming activity. This will be governed by local regulations, but the general principles of precaution and the duty to look after work safety will apply, including education, sanitisation and reorganisation of workplace, including barriers and distancing .

## 3 Data privacy and the use of apps

### *Protecting privacy*

You can ask an employee about risks of contamination, including travels, because there is a legitimate public interest and because you are legally responsible for ensuring you provide a safe and healthy workplace. However, you cannot force employees to be tested. If someone shows up with symptoms of the disease, you must immediately put the employee on medical leave.

An occupational physician will determine if compulsory medical examinations are necessary, check for symptoms and, if they are present, notify the authorities.

Identifying and monitoring anyone who may have been in contact with an infected person are important actions to prevent the spreading of the virus. This necessarily involves obtaining and potentially sharing personal information, including data about an individual's health, which is considered sensitive personal data. The Brazilian Data

Protection Law (Law no. 13,709/18 or LGPD) will enter into force on 16 August 2020. Its restrictions provide for an important exception for data processing performed for the exclusive purposes of public security (to be further regulated). If this exception does not apply, the Law allows data processing for the protection of life only by health organisations, which means that this processing must not result, for example, in the data being processed for other purposes by third parties, even by employers themselves or by insurance companies.

### *Tracing apps*

Employers cannot compel staff to install tracing apps, Personal information unrelated to work and to the work environment is beyond the employers' authority. In fact, it is still controversial if the government itself could impose any system to monitor citizens. Employers' authority to regulate the workplace and keep it safe for employees permits limited actions that are not invasive and mostly voluntary, such as scanning body temperature.

## 4 Pay and leave

Please see 5 below on the suspension of employment agreements.

### ***Sickness and quarantine pay***

There is no legal provision covering collective unpaid leave. In view of the mitigation actions introduced by the government (PM 936/2020), unpaid leave is not an option, even under a collective agreement.

The government provides financial aid to workers with suspended contracts or reduced work hours and wages and to the self-employed, informal workers and those on low incomes generally, at predetermined amounts according to pension and unemployment insurance, not according to salaries.

In the long term, after the lifting of the state of calamity, it may be possible to provide paid leave with temporary reduction of salaries by 25% or less, depending on the circumstances (the duration of leave and your capacity to fund it) or suspend employment for up to five months for professional training. Both depend on the applicable collective agreement.

Employees who get sick in a pandemic outbreak or from any other medical condition that prevents them from working must take medical leave. You as employer pay for the first 15 days; after that, you must notify the Social Security

System (the 'INSS') to arrange medical pension coverage for the employee.

### ***Temporary state support for pay***

See 5 below.

## 5 Reduction of activity and restructuring

Some industries in Brazil are suffering from the decrease of imported products and parts. Temporary shutdown or collective vacation may be an alternative to manage this. Temporary arrangements to suspend the employment agreement and/or to reduce work hours and salaries may also be applied for a limited time.

If you experience a lack of materials and supplies, Provisional Measures 927/2020 and 936/2020 introduce extraordinary measures for employers to deal with jobs and wages in the context of the epidemic. However, it is advisable to take precautions because the pandemic affects different businesses in different ways. Public and essential services, for example, must carry on their business under a potential lockdown. This means the organisation must be able to prove that its business was drastically affected by the crisis. The measures include:

- The unilateral imposition of remote working on 48 hours' notice without prior recording of the decision.

- Granting anticipated annual leave on 48 hours' notice.
- Vacation for all employees (or for designated departments): the usual prior notice of 15 days has been reduced to 48 hours.
- Implementing a complete or partial shutdown on 48 hours' notice, either by collective vacation or voluntary paid leave (in which case, if the recess is longer than 30 days, employees forfeit vacation).
- Advancing non-religious holidays on 48 hours' notice.
- Using now expanded time bank rules to grant time off.
- Reduced salary and working hours (*force majeure*), through collective agreements.
- Suspension of employment for from two to five months on condition of collective agreement, mandatory professional training, prohibition on working and voluntary enrolment.
- Reduction in Force (RIF) and the 'PDV' voluntary dismissal programme, both of which are methods of incentivising layoffs, can be used subject to collective negotiation (see *force majeure*).

*Reduction of work hours and salaries  
(MP 936, 'Reduction')*

- Maximum duration is 90 days.
- Proposal must be sent two days in advance.
- Employer has ten days from agreement to communicate it to the Government (if not, the agreement is ineffective).
- Gives protection against dismissal during the agreement and for an equal subsequent term.
- Reductions of 25%, 50% or 70% with preservation of hourly salary.
- Agreements can be collective (for all employees) or individual where the employee's salary is below BRL 3,135.00 and where the employee has a university degree and salary above BRL12,102.00.
- The level of Government subsidy is 25%, 50% or 70% of unemployment insurance, corresponding to the level of reduction.
- Voluntary compensatory allowance (free of payroll costs and tax deductible).

*Suspension of employment (MP 936,  
'Suspension')*

- Maximum duration of 60 days.
- Proposal must be sent two days in advance.
- Employer has ten days from agreement to communicate it to the Government (if not, the agreement is ineffective).
- Protection against dismissal during the agreement and for an equal subsequent term.
- Governmental subsidy is 100% of unemployment insurance if the company's revenue is below BRL 4.8M; and 70% if over (the company must pay 30% of salary).
- Employees must keep benefits.
- Voluntary compensatory allowance (free of payroll costs and tax deductible).

For both Reduction and Suspension, agreements can be collective (for all employees) or individual where:

- The employee's salary is below BRL 3,135.00.
- The employee has a university degree and a salary above BRL 12,102.00.

- There is a 25% Reduction only.

A workforce reduction process may be as short as ten days, or it may take up to three weeks if the company engages in negotiations with the union to discuss special severance. No consultation is needed, but labour courts may suspend collective dismissals if the company fails to discuss possible mitigation of the social effects of layoffs with the relevant union. There is no statutory criteria to determine what is a collective dismissal, so it will depend on the number of employees and on the employer's importance to local community.

Employees covered by the payments described *Reduction of employment* and *Suspension of employment* above are protected from dismissal while these agreements are in force and for an additional period equal to their duration, meaning maximum terms of 90 days for reduced work hours and salaries and 60 days for suspension of employment. Companies who choose to dismiss these employees will be required to pay (in addition to severance) incremental fines ranging from 50% to 100% of wages corresponding to protected period, depending on the terms and conditions of reduction of work hours and salaries or suspension of employment.



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## 6 Travel

There is a prohibition on travel to countries considered in a grave situation or under monitoring by the WHO. Employees can refuse to travel to a high-risk area on business. If they became infected in this context, it would be an occupational illness. Local travellers may also be subject to restrictions from local authorities. Employees engaged in essential activities must carry appropriate documentation to pass sanitary and inspection barriers.

## 7 Discrimination

You should consider whether removal from work without justifying circumstances, or in an arbitrary manner could be considered discrimination. Information is key to avoiding panic and other unjustified reactions. If discrimination happens among coworkers in the workplace, you may be liable for damages.

## 8 Reporting to the authorities

You must notify the sanitary authorities if there is an outbreak of any pandemic disease among employees. Information will be limited, of course, because you will not have access to the medical diagnosis. It will be a mere report that symptoms were detected. You will not need the employee's consent to communicate this: it falls under the exemption for sharing data to fulfil a legal obligation.

## 9 Emergency laws and the implications for businesses

Since the beginning of the outbreak, the government and relevant public entities have issued a series of emergency acts and regulations, most dealing with healthcare and public services and contracts. By way of example, the authorisation of certain remote medical practices on an exceptional basis, remote medical care and the suspension of certain activities, such as cinemas and other activities involving significant gatherings of people.

## 10 Other points

The Ministry of Health has a [webpage](#) dedicated to public information.

The Veirano Resource Kit covering employment and other relevant legal aspects of the pandemics in Brazil is available [here](#).

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# Bulgaria

Last updated:  
26/5/2020

## 1 Restrictions on daily life

The measures described below apply from 14 May until 14 June 2020.

Visits to casinos and entertainment halls, bars, discos, indoor areas of restaurants, fast food restaurants, cafés, including those in commercial centres (i.e. malls), except for food premises with a separate entrance and open area are suspended until 14 June 2020.

All educational activities, including extracurricular activities (excursions, study halls, educational gatherings, etc.) are suspended in schools, universities and other educational institutions and organisations. Kindergartens and nurseries reopened from 22 May.

Mass sports events in indoor and outdoor places, scientific events (conferences, symposiums), entertainment and cultural indoor events (concerts, theatres) are suspended. Exceptions apply for:

- Non-professional team sports for no more than 12 individuals without spectators in the open.
- Fitness centres and sports halls. Up to ten people can train in groups, while for individual training there should be one person per 4m<sup>2</sup>.
- Visits to museums, galleries, libraries, cinemas at no more than 30% of capacity.

Organised gatherings of groups of more than ten people are not allowed. Visits to sports and children's playgrounds in closed public places are suspended.

Protective masks or other face coverings are only mandatory in closed public places (e.g. public transport, churches, shops, etc.). Individuals in open public places must observe social distancing and all anti-epidemic measures. In the event of contact with other people a protective mask or other face covering is mandatory.

Individuals under 60 cannot visit food stores and pharmacies between 08:30 and 10:30.

Individuals in contact with those infected with coronavirus are placed under mandatory quarantine for 14 days and not allowed to leave their homes.

## 2 Resuming activity

Outdoor areas (gardens, terraces, etc.) of restaurants, fast food outlets, bars and cafes are exempt from the rules above if they implement specific anti-epidemic measures imposed and policed by the Bulgarian Food Safety Agency.

Face masks or face shields are mandatory for direct customer service at a distance less than 1.5 metres without a plastic or glass barrier that can be disinfected.

Individuals and legal entities who own or manage publicly accessible premises, commercial premises and other places where services to individuals are provided, must ensure they can maintain a 1.5-metre distance from the individuals to whom they provide services. Disinfectant must be provided at the entry of the site and an access regime imposed to avoid crowding on the premises. Information about the need to keep social distance and personal hygiene and to wear personal protective equipment should be displayed.

In addition, the Ministry of Tourism in co-ordination with the Ministry of Health adopted Instructions for hotels, food service and entertainment venues for the upcoming summer season based on the sanitary requirements above and considering the nature of the hotel and restaurant business. They give guidance on employee and client safety and what to do if employees/clients are suspected to be infected with coronavirus.

Employers must arrange for home-based work if possible and duties can be performed remotely. The introduction of remote work is mandatory, and not a matter of convenience/ judgment. If remote work is impossible, you must organise enhanced anti-epidemic measures, including air filtering, disinfection, ventilation, instructions to workers on personal hygiene for workers and preventing access for employees or outside visitors with acute infectious diseases.



Until at least 14 June 2020, employers must not allow employees or visitors with flu-like symptoms to work. Fever is a symptom, so employers can temperature check employees to comply with their obligations. After 14 June, employers must make a new assessment whether they have the right to conduct temperature checks, based on the orders of the health authorities, spread of coronavirus, etc.

If an employee appears sick at work, you are obliged not to admit them and can suspend them without pay. They would be able to obtain a medical certificate and benefit from sick leave pay. You could also require managers to report anyone who appears sick. Employees may not refuse to come to work unless they are on sick leave.

Any employee who has been in contact with a confirmed coronavirus case should be quarantined.

In line with these measures, we assume employers are entitled to request health status information from employees. You are entitled to ask employees directly whether they have coronavirus and you can ask if they have recently travelled to a high-risk area.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

Processing of personal data concerning employees' health is only permissible where expressly regulated by law. Given the official emergency epidemic situation in Bulgaria until 14 June 2020 it would generally be permissible to process some categories of health-related personal data in order to ensure employees' health and safety. Processing should focus on employers' obligation to refuse workplace access to employees with coronavirus symptoms. Employers should generally seek to collect and process indirect information that may indicate certain employees pose a higher risk in the workplace. Requiring employees to take coronavirus tests, or processing the results of tests taken voluntarily by the employees is likely to violate the applicable legal regime.

If an employee has tested positive for coronavirus, you must take measures to inform and potentially remove not only the sick employee from the workplace, but also any other employees that have likely been in contact with him/her. Avoid identifying or naming specific employees.

Remote work carries additional risks for violating employees' privacy. Employers may be tempted to implement software to monitoring employees and their activities but this should be very carefully assessed legally, as they are likely to be

disproportionally invasive. IT and IS teams of employers should also be very careful and strict in implementing rules for access to and use of company data (including employees' personal data), including by implementing secure VPN connections, establishing rules for WiFi usage and keeping software up-to-date. Training to make sure employees are aware of the additional risks to information security outside the office is recommended.

In implementing additional processes involving personal data, employers must provide clear notice to the employees, update their internal records of processing, and comply with any other necessary obligations under the GDPR.

#### ***Tracing apps***

Tracing apps could be used voluntarily by citizens, and the data collected could be further processed by the state authorities based on the public interest of coronavirus prevention. This type of processing by employers would be generally disproportionate, unless expressly regulated by law.

## 4 Pay and leave

### ***Sickness and quarantine pay***

Employees are entitled to sick pay of 80% of their usual remuneration. This also applies if they are quarantined or if family members have been quarantined.

### ***Temporary pay support***

Until 30 June and for a period not exceeding three months employers can receive state compensation of up to 60% of the January social security income and 60% of social security contributions owed by the employer for the relevant month for affected employees whose work was suspended by an official order or whose working hours have been reduced (in this case the compensation is paid off proportionally to the non-worked hours). For employees in the latter categories, the employer must prove a decrease in sales of at least 20% in the month preceding the application compared to sales in the same month in 2019.

Employers who receive this aid remain liable for the rest of the employee's remuneration, i.e. 40% of the salary and social security contributions and must return any state aid if they do not pay their share of the salaries.

## 5 Reduction of activity and restructuring

### ***Reduction of activity***

Employers can unilaterally implement remote work until 14 July 2020 (this is currently also an employer's obligation under the 14 May 2020 Order of the Minister of Health). They can also grant employees half their annual paid leave until 14 July 2020 without suspension of work.

Where an employer suspends the business of the entire organisation, part of it or individual employees, it can either unilaterally grant the use of the employees' annual paid leave or there will be a suspension of work and employees will be entitled to their entire gross remuneration.

If employers choose to introduce part-time working hours for the entire duration of the emergency epidemic situation or part of it unilaterally salaries will be reduced accordingly. No consent from employees is needed.

Employers can also assign other work to idle employees taking into account their qualifications and health or terminate an employee's contract in the event of suspension of work for more than 15 business days. Employers cannot compel employees to agree to reduction of salaries by mutual agreement. Instead they could reduce working hours and decrease pay.

Employers must allow the use of paid or unpaid leave at the request of certain categories of employees.

### ***Restructuring***

Employers could resort to closure of the business or specific departments or staff cuts, from, for example, merging two departments or outsourcing activities to an external service provider.

## 6 Travel

You can instruct your employees to report their travel plans prior to going to a country with registered coronavirus cases and say that non-compliance could result in disciplinary action.

From 14 May to 14 June entry to Bulgaria for all passengers (including EU and Schengen nationals) by any means of transport is temporarily prohibited. Certain exceptions apply. For full details see [here](#).

All passengers with the exception of frontier workers and those engaged in the delivery of medicinal products are placed under mandatory quarantine for 14 days. Arrivals must inform border health authorities of the address where they will be quarantined.

Transit is only permitted when immediate departure from Bulgaria is guaranteed. Foreign nationals, for whom transit is allowed, must notify their respective

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diplomatic or consular mission in Bulgaria in advance for the specific transit route to be set by the Bulgarian authorities.

Foreign nationals' residence permits, IDs and certificates have been extended for six months, in particular permanent and prolonged residences certificates issued to EU and EEA nationals, Swiss nationals and third countries nationals granted free movement under international treaties. Additional flexibility on the terms of renewal and conditions of absence for permit has also been introduced. Most importantly, if a current prolonged residence permit expires within three months from the end of the state of emergency foreign nationals can renew it and/or enter Bulgaria without a visa within this term. See [here](#) for details.

## 7 Discrimination

Any preventive measures should be applied using objective criteria, for example, the travel destinations listed by the Health Ministry or the Ministry of Foreign Affairs.

## 8 Reporting to the authorities

You are not required to report to the authorities, but should encourage your employees to take a medical test if they suspect they may be infected.

## 9 Emergency laws and the implications for businesses

### *Tax and Accounting*

The deadline for publication of the annual financial statements is extended until 30 September 2020. In addition, dormant entities must submit a declaration of dormancy by 30 June 2020.

The deadline for submission of the Corporate Income Tax (CIT) returns for 2019 and for payment of corporate income tax due is extended until 30 June 2020.

If the company is required to pay advance corporate tax installments for 2020, the instalments will have to be reported by 15 April 2020.

### *Judicial, administrative and enforcement time limits and actions*

Court hearings resumed from 14 May 2020. Procedural time limits within pending litigation, arbitration and enforcement procedures, which were suspended during the period of the state of emergency and were not exempted from the suspension started running again from 21 May 2020.

Subject to exceptions, all other legal time periods that expire during the state of emergency, related to the exercise of rights or fulfillment of obligations by private individuals and entities which are

not suspended as above are extended for one month after the end of the state of emergency, until 13 June 2020. The validity of all time-limited administrative acts that expire during the state of emergency, is extended until 13 June 2020.

The operation of various individual and corporate debt provisions has been adjusted or suspended.

### *Financial support*

For a period of two years after the end of the state of emergency (until 13 May 2022), tour operators using air carriers with a Bulgarian operating licence for tourist charter flights to Bulgaria will receive a state grant amounting to EUR 35 per seat of the maximum aircraft capacity. The state aid will only be granted for flights of at least 100 seats.

Micro and small enterprises can apply for state aid from BGN 3000 to BGN 10 000 based on set criteria. The entire amount of this state aid measure granted by the European Regional Development Fund is BGN 173,000,000. It can be used, among other things, for payment of employee salaries and social security contributions, paying external vendors and purchasing of raw materials. Applications can be filed from 10:00 on 14 May until 16:30 on 15 June 2020.

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# Canada

Last updated:  
8/5/2020

## 1 Restrictions on daily life

Canada has yet to declare a nation-wide state of emergency, however several provinces have declared a state of emergency, and others have issued public health emergency notices. Canadians are encouraged to stay home and self-isolate to the greatest degree possible to combat the spread of the coronavirus pandemic. Most Canadian jurisdictions have closed all non-essential businesses at this time and have released lists of essential services that remain open. Several Canadian provinces have enforced the closure of schools, public facilities, recreation centres and theatres. For businesses that remain open, it is advisable to require employees to work from home when possible. Employers should follow the guidance released by their respective provincial health authorities.

Self-isolation measures are currently escalating, with both provinces and the federal government putting sanctions in place to penalise those who breach self-isolation or quarantine requirements. When individuals do need to leave their homes, they are reminded of physical and social distancing practices that are to be implemented, such as keeping two metres apart from other individuals.

## 2 Resuming activity

Canadian jurisdictions have begun releasing multi-phase plans to reflect how

workplaces will begin to ease into reopening. The dates for each phase and lists of specific workplaces that will begin reopening, as early as May 2020, vary from province to province.

For businesses deemed 'essential' that have remained open, and those that are planned to reopen in the near future, the following guidance is pertinent.

Ensure basic supplies such as hand-hygiene products, tissues and receptacles are available in all locations. If possible, employees should be permitted to work from home, shift starts and breaks should be staggered to reduce the number of people in the workplace at a time, and work stations should be arranged to maintain distance between individuals. Telephones, videoconferencing and the Internet should be used to conduct as much business as possible. Physical distancing measures such as installing barriers between individuals, and maintaining 2-metre distance between individuals should be implemented. If physical distancing of two metres is not possible at the workplace, consideration should be given to face covering or a non-medical mask. Medical masks or respirators are being conserved for health care workers and others providing direct care to coronavirus patients.

If you have vulnerable employees (over age 65, compromised immune system, or underlying medical condition) your obligations to them could be different.

What steps may be reasonable to protect vulnerable workers are likely to be determined on a case-by-case basis and involve advice from public health and/or medical officials. Any at risk individuals should be permitted to work from home, or simply stay home if they are at risk in the workplace.

If an employee has symptoms of coronavirus infection (i.e. mild to severe respiratory illness with symptoms of fever, cough, and shortness of breath), he or she should consult with the relevant public health authority, and should not be permitted to return to work until receiving medical clearance. All employees who worked closely with the infected employee should also be removed from the workplace for at least a 14-day period to ensure the infection does not spread in the workplace. Posters and employee handouts can be used for education and awareness at the workplace.

If you believe through objective knowledge or reasonably held belief that an employee has been exposed to the coronavirus, there may exist a justifiable reason to require the employee to stay home. You have an obligation under occupational health and safety legislation across Canada to ensure a safe workplace for all employees.

You may need to ask employees about their health status and travel history. You should generally avoid any targeted screening questions which may relate to ethnicity or disability and advise employees that the purpose of screening is strictly in relation to workplace health and safety.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

Employee personal information, including health information, should generally be kept confidential in the workplace. You may be subject to applicable privacy legislation depending on the jurisdiction and sector in which you operate.

Canadian privacy legislation generally provides exceptions to consent for the disclosure of personal information in emergency situations involving threats to life, health or security of an individual, or the public at large. In certain Canadian jurisdictions, privacy legislation may not require consent to collect, use or disclose personal information that is necessary to manage the employment relationship.

Generally, to comply with applicable Canadian privacy legislation, employers should not disclose the reasons for an employee's leave or remote working situation, except as required for other employees to perform their duties or maintain a safe workplace. The objective

being to provide potentially exposed employees with sufficient information to protect themselves and the workplace, but maintain confidentiality of the affected employee as much as possible. Whenever possible, employers should avoid disclosing the name of the individual who may have caused the coronavirus transmission risk, but this may not always be possible in all circumstances.

#### ***Tracing apps***

Tracing apps are not yet widespread across Canada. Federal and provincial officials are still in discussions over the use of tracing apps, and how to manage privacy concerns. The Province of Alberta has released a tracing app, based on similar technology to that used in Singapore. The app will inform a user if they have been in close contact with someone who has tested positive for coronavirus, but the app will not provide personal information such as the name of the contact. The impact this app will have on the workplace is yet to be determined, and it is not clear at this time whether employees can be compelled to download such an app, or potentially share any notifications received. This is an area in Canada that is still in fluctuation and continual discussion.

## **4 Pay and leave**

### ***Sickness and quarantine pay***

Where an employee contracts coronavirus and is unable to work, you must grant any applicable legislative leave to the employee, in addition to meeting any sick leave obligations in employment agreements or collective agreements. Employees who cannot work due to coronavirus-related illness may be captured under employee benefits, and may be eligible for short-term disability.

### ***Temporary pay support***

The Government of Canada has introduced the Canada Emergency Response Benefit. This benefit will provide a taxable benefit of CAD 2,000 a month for up to four months to:

- workers who must stop working due to coronavirus and do not have access to paid leave of other income support;
- workers who are sick, quarantined, or taking care of someone who is sick with coronavirus;
- working parents who must stay home without pay to care for children that are sick or need additional care because of school and daycare closures;



- workers who still have employment but are not being paid because there is insufficient work and their employer has asked them not to come to work, and;
- wage earners and self-employed individuals, including contract workers, who would not otherwise be eligible for Employment Insurance (EI).

The Federal Government advises that Canadians who are already receiving EI and sickness benefits will continue to receive their benefits and should not apply for the CERB. If EI benefits end before 3 October 2020, Canadians can apply for the CERB once their EI benefits cease, if they are unable to return to work due to coronavirus. As of 27 March 2020, the Canadian Government has implemented a 75% wage subsidy for small and medium-sized employers. If employers do not qualify for the 75% wage subsidy, they may still qualify for a 10% temporary wage subsidy.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Normally, an employer will risk incurring liability by imposing a unilateral layoff, however, in the current circumstances if an employer is required to close by government order, it may be able to layoff

employees without incurring liability. There are also statutory exemptions in many jurisdictions for unforeseeable circumstances, which may include a pandemic or government-ordered closure of a business. A number of provincial governments are proposing amendments to statutory leave guarantees to address the impact of coronavirus.

An employer must ensure a safe working environment. Depending on the situation, it may be necessary to close a business location for occupational health and safety reasons. An employer's obligation for providing notice or pay in lieu of notice to employees in the event of a workplace closure will be governed by the specific facts of each case.

### *Restructuring*

The Canadian Government has implemented a number of financial measures in hopes of helping companies retain their staff and avoid layoffs or restructuring during this time. However, there are currently no coronavirus-related national programmes that restrict companies regarding any future restructuring exercises. The Bankruptcy and Insolvency Act, as well as the Companies' Creditors Arrangement Act provide for restructuring and or liquidation options for Canadian companies.

## 6 Travel

The Canadian Government has issued a number of Orders in Council ('OIC') relating to the existing travel bans in effect for travellers from the USA and from other parts of the world. At this time, the OIC's are to remain in effect until 21 May 2020 and 30 June 2020, respectively. Any person regardless of nationality is prohibited from entering Canada if they show signs symptoms of a fever and cough or fever and breathing difficulties with few exceptions.

Entry from the US is restricted to essential travel only, with few exceptions. For entry from a country other than the US, any foreign national, who is not a Canadian citizen or Permanent Resident of Canada will not be allowed to enter Canada. There are relevant exceptions for immediately family members or permanent residents, work and study permit holders and healthcare or emergency workers, among others. Although these exceptions are in place, interpretation and application of these exceptions varies by port of entry. Anyone who is eligible to return to Canada will need to pass the airline's pre-boarding health check. Upon arrival in Canada the foreign national will undergo an additional health screening before departure from the airport. Anyone returning to Canada, regardless of nationality, is required to self-isolate for 14 days even if they are asymptomatic, with very limited exceptions. Returning travelers must have an approved self-

isolation plan in place before they are allowed to leave the airport or land border crossing. Those without an approved self-isolation plan will be placed in government-assisted quarantine for the 14-day period. The government has instituted severe penalties for non-compliance.

Trade and supply chains, including trucking, will not be impacted by this closure.

## 7 Discrimination

You have an obligation to maintain a discrimination-free workplace. Employers should be cautious not to effect any differential treatment on the basis of a protected ground, such as race, ethnicity or place of origin. Further, human rights legislation protects employees from being adversely treated on the basis of a perceived disability or illness. You must have a reasonable basis for the belief that an employee may be infected before taking action in regards to that employee. Workplace screening, if implemented, must be conducted in a general manner, and avoid targeting specific employees without a reasonable basis.

## 8 Reporting to the authorities

There is no obligation for employers to report a confirmed coronavirus case to federal or provincial health authorities. The medical professional who received the diagnosis must report the positive test

result to provincial health authorities. However, if an employee in the workplace is diagnosed, employers may want to voluntarily contact public health authorities to receive advice and assist in identifying the infected employee's contacts.

If the employee becomes ill or dies from coronavirus, and it is determined that infection occurred at the workplace or in the course of employment, there may be an obligation, under health and safety and workers' compensation legislation, to notify the regulator.

## 9 Emergency laws and the implications for businesses

As the coronavirus pandemic escalates, more and more Canadian businesses are facing closures, whether voluntary or government mandated. Courts and Tribunals across the country have been affected by closures, and some provinces have responded by waiving limitation periods at this time. Although the federal government continues to encourage Canadians to self-isolate, certain Provinces have increased their measures to ensure Canadians follow self-isolation and quarantine requirements by imposing fines. In certain jurisdictions, businesses may be fined if they continue to operate in light of a closure order from the Provincial authority.

The federal government is supporting Canadian businesses by providing

temporary wage subsidies for small businesses, providing credit to small to medium-sized businesses, and implementing tax flexibility measures. Certain provinces have also taken measures to aid businesses, small to large. These measures include the temporary waiver of interest payments on loans, tax deferrals and temporary loan programs.

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# Chile

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## 1 Restrictions on daily life

The government has not imposed a nationwide lockdown however, it has ordered the closure of shopping centers, cinemas, theatres, pubs, discos, nightclubs, restaurants and public gyms, for an indefinite period of time. In addition, a ban on professional and amateur sporting events has been ordered. Schools have closed.

In addition, the government has maintained a quarantine policy, issued on a weekly basis, decreeing the total and temporary closure of some communes in the country. To date, the following boroughs are in total quarantine: Arica, Antofagasta, Mejillones, Quilicura, Recoleta, Independencia, Quinta Normal, Santiago, Estación Central, Pedro Aguirre Cerda, Cerrillos, San Ramón, El Bosque, La Pintana, San Bernardo, Puente Alto, Ñuñoa, La Florida, Renca, Macul, San Joaquín, Peñalolén, Cerro Navia, Conchalí, La Cisterna, Lo Espejo, San Miguel, La Granja, Lo Prado, Angol, Victoria and Punta Arenas.

During the quarantine period, people in these areas will only be able to leave their homes if strictly necessary for medical reasons and to access essential services including supermarkets, pharmacies, etc. Permits are required to do so, which can be obtained from [comisariavirtual.cl](http://comisariavirtual.cl) with a unique code (clave única).

On 26 March, Law N° 21.220 regarding remote working and/or flexible working conditions was published. The Law took effect on 1 April 2020.

## 2 Resuming activity

Despite the fact that most businesses in Chile are closed by decision of the authority, measures for the reopening have been released by the Ministry of Health through a recommendation policy. This policy includes some preventive health and safety measures for workplaces to decrease the risk of infection.

Companies authorised to reopen are those located in quarantine-free zones, excluding cinemas, theatres, pubs, discos, cabarets, night clubs, gyms open to the public and restaurants.

If the business is located in a totally quarantined area or region, it can operate provided that it carry out an essential service, that is, their purpose is to provide vital services, exercise political authority, maintain citizen security and sustain the economy (e.g. hospitals, supermarkets, pharmacies, airports and public transport).

On any resumption of activity, you must take strict health and safety measures in the workplace, following the instructions of the health authority. These include, but are not limited to:

- Encourage your employees to wash hands properly by providing them with drinking water, soap, and alcohol gel.
- Reinforce cleaning of bathrooms, places where food is consumed, desks, door handles, pencils and other work tools.
- Cover mouth with tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).
- Ensure that in common spaces such as dining rooms, transport, offices or desk spaces, masks are worn at all times and that a distance of at least one meter is maintained between employees.
- Avoid touching your eyes, nose and mouth.
- Do not share hygiene or food items.
- Avoid hand shaking or kissing.

Employees may refuse to return to work if they deem that working implies a serious and imminent risk to their life or health. In this case, the employee must communicate his/her decision to abandon the workplace to its employer as soon as possible.

You cannot force an employee to get tested for coronavirus. Forcing an employee to undergo this type of examination could be considered an infringement of his/her fundamental rights.

However, given the employer's obligation to take all the necessary measures to effectively protect employees' life and health, you can ask employees whether they have recently travelled to a high-risk area, if they have been in contact with someone who is infected or if they are sick or have been diagnosed with coronavirus.

You are also allowed to do temperature checks at the entrance of the Company's premises, with thermometers that do not involve physical contact with the employees or have restricted contact with them.

### 3 Data privacy and the use of apps

According to Article 10 of Law No. 19,628, processing of 'sensitive personal data' is prohibited. Sensitive personal data may only be processed when determined by law or when the subject of the data gives written consent. Sensitive personal data is defined in the law as information on racial or ethnic origin, political opinions, religious or political beliefs or other beliefs of a similar nature, trade-union membership, and sexual orientation, personal data regarding the past, actual or future physical or mental health and personal data concerning criminal offences, proceedings and/or convictions.

To date in Chile, there is no tracking application available to organisations.

Finally, the Labour Authority has indicated that if a company is closed by a health authority, this circumstance could be considered as *force majeure*, releasing the parties from their contractual obligations. Employees would be released from their obligation to provide services and the employer to pay salary. However, the labour courts will have the final decision regarding this matter.

### 4 Pay and leave

#### *Sickness and quarantine pay*

If an employee falls sick, you need to establish whether the infection occurred in the course of a work or personal activity. In the first case, accident and work-related insurance will be responsible for providing medical and financial benefits. In the second case, the employee's health insurance agency must provide the medical and financial benefits.

Consequently, employees with a confirmed coronavirus diagnosis, who had close contact with individuals in work situations whose diagnosis has also been confirmed (whether the infection has a work or other) will be covered by the benefits of Law No. 16,744, where it is possible to establish the work origin of the infection.

For cases where the health authority has granted medical leave as a preventive

measure (quarantine) the social security authorities will decide on the coverage of the respective payments.

#### *Temporary pay support*

On 6 April 2020, Law No. 21,227 on Employment Protection (aimed at protecting family income and jobs due to Covid-19) entered into force. The new Law provides the possibility, if requirements are met, of accessing unemployment insurance coverage in three main scenarios:

*Suspension of the employment relationship by law:* during the effects of a coronavirus-related governmental measure which involves the suspension of the organisation's activities in all or part of the country that prevents or totally prohibits the provision of the services, the employment agreement is automatically suspended.

*Agreement on temporary suspension of the employment contract:* employer and employee can mutually agree on the temporary suspension of the employment relationship, when the activity of the employers is totally or partially affected.

In both cases, the employee is not obliged to provide services and the employer is not obliged to pay remuneration (or other allowances that do not constitute remuneration), only social security payments. The employee will receive his/her remuneration from the unemployment insurance.

*Temporary reduction of working hours:*  
The parties may agree on a temporary reduction of working hours provided that the legal requirements are met. The employer must continue to pay social security and pension contributions according to employees' effective working hours. The employee is entitled to receive remuneration in proportion to his/her effective working hours, and a complement from his/her individual unemployment account.

## 5 Reduction of activity and restructuring

### Reduction of activity

You can agree with your employees on remote working and/or flexible working conditions. This can be introduced as long as the conditions of the place in which the employee will be working and the nature of work allows it. The health authorities have encouraged remote working to avoid infection.

The Labour Inspectorate has suggested some alternative measures for employers to protect jobs. Those include but are not limited to:

- home office;
- agreeing on new working schedules;
- agreeing with employees to anticipate holidays;

- closing the organisation and allowing employees to use their annual leave collectively

If applicable, employers/employees can access the of the unemployment insurance coverage set out in Law No. 21.227.

## Restructuring

The employment contract can only be terminated on the grounds of company needs or termination at will (Law No. 21,227). For six months from 6 April 2020 or if the 'State of Catastrophe' is still in force, the employer is not entitled to terminate an employment contract due to force majeure or an unavoidable event.

## 6 Travel

You should avoid sending employees to a high- risk area, opting for meetings via video conferencing.

From 18 March 2020, Chile has closed its land, sea and air borders to non-Chilean citizens.

All Chilean nationals and permanent residents in Chile coming from abroad will be able to enter the country by submitting themselves to Sanitary Customs and a mandatory 14-day quarantine.

## 7 Discrimination

The Labour Code prohibits discrimination on the basis of health status. In addition, the Labour Authority has noted that employers should avoid any infringement of employees' fundamental rights while taking health and safety measures in the workplace to prevent the spread of coronavirus.

## 8 Reporting to the authorities

Currently, there is no particular requirement obliging employers to report.

The Ministry of Health has been issuing daily coronavirus communications on its [website](#) on when and what to report. It has also opened a hotline (600 360 77 77) for coronavirus questions.

## 9 Emergency laws and implications for businesses

18 March 2020, the Chilean President declared a 'State of Catastrophe' to contain the spread of coronavirus cases. It will last 90 days.

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It gives the government extraordinary powers, including to:

- restrict freedom of movement and assure food supply and basic services;
- limit the liberty of assembly;
- requisition property;
- alter the right to property;
- adopt extraordinary administrative measures, etc.

### Tax

On 30 March 2020, the Ministry of Finance issued Decree No. 420, which establishes tax measures to support families, employees and micro, small and medium enterprises with the difficulties generated by the spread of coronavirus in Chile. They are:

- family Income Support Bonus for recipients of certain family subsidies;
- temporary reduction of Stamp Tax rate to 0% for credit operations between April and September 2020;
- measures to increase the flow of fiscal resources available to implement the Emergency Economic Plan.

In addition, the Government has announced:

- suspension of provisional monthly payments (PPM) of corporate income tax for the next three months;
- postponement of VAT payments for the next three months for all companies with sales under UF 350,000 during 2019, making it possible to pay in six or 12 monthly instalments at zero real interest rate, depending on size;
- early income tax refunds for small and medium sized companies;
- postponement until July 2020 of income tax payments for small and medium-sized companies according to what they declare as income next April;
- all expenses of companies associated with facing the health emergency accepted as tax-deductible expenditure.

### Changes in the justice system

The Supreme Court of Justice has agreed to prioritise extraordinary criminal cases involving prisoners, appeals for protection, labour and tax cases regarding fundamental rights, appeals for annulment and incidental appeals in criminal matters in cases where the

accused is deprived of liberty, and urgent family matters.

On 1 April 1, a law was enacted, establishing an exceptional legal regime for proceedings, hearings, interruption of statute of limitations, etc. The main measures are suspension of hearings that cannot be carried out because no basic guarantees can be offered for due process because of the restrictions imposed by the Government, remote processing, etc. (Law No. 21,226).

### 10 Other points

The Ministry of Health releases daily coronavirus communications on its [website](#) to keep the population informed about the virus, preventive measures, new cases, forms of infection and other matters.

The Labour Authority has provided guidance on employers' obligations in the workplace regarding the prevention and control of the coronavirus.

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# China

Last updated:  
7/5/2020

## 1 Restrictions on daily life

The government has delayed school re-opening after the winter vacation. In most cities, the local government has announced school re-opening in April or May. Schools that have not yet re-opened are providing online teaching to students.

## 2 Resuming activity

You should take appropriate labour protection and prevention measures following the health authority's instructions to ensure a safe and hygienic working environment (e.g. take workers' temperature regularly and distribute facial masks and disinfectant to workers, regularly clean and disinfect the workplace, etc.).

If an employee is infected with coronavirus, you should urge him or her to get medical treatment in a timely manner and report the case to the local government. It is advisable to arrange for those employees who have been in close contact with the infected employee to work from home and pay attention to their health condition.

You should do your best to distribute protective supplies, provide guidance on self-protection and adopt flexible working arrangements if necessary.

## 3 Data privacy and the use of apps

### *Protecting privacy*

You are required to collect information in relation to whether an employee has visited high-risk areas and whether an employee is infected or suspected of infection, and promptly report this to the local health authority.

An employee cannot refuse to tell you if they are infected: he or she has a legal obligation to truthfully disclose his or her health condition and travel history in a timely manner. Only the government authority has the power to force individuals to take test.

Employees' health and travel information must be kept confidential and should not be disclosed to any other third party other than government authorities (e.g. the health authority) for the purpose of epidemic prevention and control.

You must report the identities of employees who have contracted the coronavirus to the health authority. However, unless it is agreed by the target employee whose identity will be disclosed or it is required/requested by the health authority, the identity of the target employee must not be disclosed to other employees.

### *Tracing apps*

It is only mandatory to install government-initiated tracing apps. You cannot compel employees to install a company-initiated tracing app.

If an employee receives a notification on the government-initiated tracing app related to his/her personal health issues that may put other employees' health at risk, you are entitled to know this information. In this case, if the employee refuses to disclose the notification to you, you can deny him/her from accessing the workplace and can take relevant disciplinary actions against him/her according to company policy. However, if the employee is able to work remotely in this case, you should still pay his/her salary.

Employees who are unable to work as a result of government quarantine measures or other government-mandated emergency measures should be paid normal salaries.



## 4 Pay and leave

You must pay sick leave salaries and provide other related sick leave benefits to employees who are infected with the coronavirus during their medical observation and treatment period.

You must continue to pay employees who are unable to work as a result of government quarantine measures or other government-mandated emergency measures their normal salaries.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Where it is necessary for the business, the government encourages employers to adopt flexible working arrangements such as reducing pay, changing work schedules or shortening working hours, provided that employees agree to these arrangements.

Employees who are suspected of infection, or who have been in close contact with confirmed or suspicious cases, must be placed in quarantine as required by the government. Employees who travel back to their work location from a high-risk area should also stay in home quarantine.

If you decide to suspend business operations and production, employees should be paid normal salaries if the

suspension is contained within one full wage cycle. For suspensions longer than one full wage cycle, you may be permitted to pay reduced salary to employees in accordance with local regulations.

Cost-saving working arrangements such as reduced salary and no-pay leave can be agreed by employees.

### *Restructuring*

Coronavirus-related laws and regulations do not prohibit employers from carrying out restructuring or termination/layoffs, but pursuant to some local regulations (which vary from locality to locality), if an employer does not implement layoff or controls the scale of layoff to a certain extent, it will qualify for relevant government funds.

The likely length of time a workforce reduction process will take and the associated procedural requirements depends on the specific ground for workforce reduction, e.g., if the reduction is made on a mutually agreed basis, it can be quick and there is no mandatory procedural requirement; while if the reduction is an economic layoff, it usually takes at least one to two months to complete and there are certain procedural requirements to meet. If these are not met the layoff may be illegal.

No restrictions can be imposed by trade unions or works councils on restructuring or staff reductions.

## 6 Travel

On 26 March 2020, the central government announced that, effective from 0:00 28 March 2020, entry by foreign nationals holding valid Chinese visas or residence permits will be temporarily suspended, but entry with diplomatic, service, courtesy or C visas will not be affected. Foreign nationals coming to China for necessary economic, trade, scientific or technological activities or for emergency humanitarian needs may apply for visas at the Chinese embassies or consulates. Entry by foreign nationals with visas issued after this announcement will not be affected.

You should be cautious about arranging for employees to travel during the current situation, as it may put employees' health at risk. An employee may also be subject to mandatory quarantine requirements on arrival at the destination as well as on his or her return from the destination.

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## **7 Discrimination**

You must not discriminate against any employees who are confirmed or suspected to have contracted the coronavirus .

## **8 Reporting to the authorities**

You should follow the government's requirements to collect employees' travel and health information and must report infected and suspected case to the local health authority. You should take necessary and proper measures to ensure the confidentiality and security of the information collected from employees, and must not use the collected information for other purposes.

## **9 Emergency laws and the implications for businesses**

There are temporary governmental supportive measures in place, such as reducing the social insurance burden for companies by postponing the annual adjustment of contribution base and/or reducing the contribution rate. Details of these measures vary on a city-by-city basis.

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# Colombia

Last updated:  
15/5/2020

## 1 Restrictions on daily life

On 6 May 2020, the President of Colombia issued Decree 636 ordering mandatory national preventive isolation from 11 May at 00:00 until 25 May 00:00. There are exceptions to preventive isolation for 46 specified situations, including providing health services, acquiring basic necessities, production, manufacture, construction, distribution and supply of medicines, hygiene and health equipment, outdoor exercise and some commercial activities, among others. For more details and real time updates, see [here](#). During the health emergency, public and private sector entities should ensure their employees or contractors whose presence is not essential at the workplace (even if excepted) work remotely (e.g. at home).

## 2 Resuming activity

You should implement prevention and promotion actions in the workplace compliant with the Ministry of Health guidelines and recommendations, as part of the Health and Safety at Work Management System (SG-SST), in coordination with the Occupational Risk Insurance Company (ARL).

The Ministry of Health and Social Protection has adopted a general biosecurity protocol for the mitigation and management of the coronavirus pandemic. The protocol is designed to minimise coronavirus transmission and

mandatory for public and private employers, employees, apprentices, cooperatives and pre-cooperatives of associated work, public and private contractors. Each sector, company or entity must make appropriate adjustments, with the support of its ARL, establishing strategies to ensure social distancing and adequate hygiene and protection at work. The employer or contracting party must:

- adopt, adapt and implement the protocol;
- train employees and contractors regarding measures in the protocol;
- implement actions to guarantee continuity of activities and protection of employees, contractors and other individuals present in the facilities or workplaces;
- adopt measures for reducing exposure, such as flexible work shifts and working schedules, as well as remote work;
- report suspected and confirmed cases of coronavirus to the health promotion entities (EPS) and ARLs.
- disseminate information on prevention, spread and vigilance around coronavirus using official communication channels;

- receive support from the ARL on risk identification and assessment with the EPS;
- request assistance and a technical assessment from the ARL to verify the measures adopted for different activities.
- provide employees with personal protective equipment (EPP) required for performing work tasks;
- promote the use of the CoronApp for employees and contractors who have smartphones application to register their health situation;

Employees and contractors must comply with the biosecurity protocols adopted and report any infection in the workplace or in their families to the employer or contracting party so the appropriate measures can be adopted. They must adopt self-care measures and report any health changes to the employer or contracting party and in the CoronApp, particularly symptoms of respiratory disease. Non-compliance with the protocols may result in fines and also in criminal investigations. There are additional biosecurity protocols for specific sectors.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Employees cannot refuse to tell you they are infected. It is a matter of public health and the Ministry of Labor has established employees' self-care liability, as well as employees' obligation to provide clear and truthful information to employers about their health. This means employees must inform you, truthfully and promptly, about any symptoms. Under Colombian data protection regulations, personal data may only be obtained, stored, and divulged with prior consent which must be express and informed, unless there is a legal or judicial mandate. The data subject must be aware of the purpose of the data processing and should confirm his/her authorisation on those grounds and to that extent. Health information is considered sensitive data because it affects the individual's privacy and may be potentially used to discriminate against the employee. There are limited exceptions to the requirement for consent for processing sensitive data. One exception is where the information is related to medical or sanitary urgencies, to prevent related risks. While coronavirus fits in this scenario, the authorities may question whether measures are proportional to the infringement of employees' privacy.

#### *Tracing apps*

Given the above, if you want to install an app in employees' work devices (work mobile or laptop), or in employees' personal mobiles, the most conservative approach would be to obtain prior and informed consent from the employees regarding the data processing and purpose. Once the employer has consent, it may receive notifications from the app. Under the Ministry of Health biosecurity protocol (see 2 above), employers should promote the use of smartphones and the use of the CoronApp among employees to register their health condition and any changes or updates. Employees, contractors or collaborators should follow the biosecurity protocol adopted by the organisation, including in relation to the CoronApp. It is not yet clear if use of the CoronApp is obligatory given that not all employees have access to smartphones and could report their health conditions by other means. If employees refuse or withdraw consent for the use of an app, but still report their health status, you may not prevent them from working for this reason or to stop salary payments. Employees that are diagnosed with coronavirus must be placed on sick leave and cannot work until they recover. Recognition of medical leave should be made by the EPS (health entity) or ARL (occupational risks insurance company) depending on the origin of the disease. Employees placed in quarantine due to suspicion of coronavirus but are not on sick leave, should not attend work. During this period

the employee may work remotely and if not possible, the organisation should continue making salary payments during this period.

### 4 Pay and leave

#### *Sickness and quarantine pay*

Employers should provide sick leave, which is reimbursed by the health entities if the employee obtains the corresponding medical certificate. Recognition of medical leave should be made by the EPS (health entity) or ARL (occupational risks insurance company) depending on the origin of the disease (for some sectors as health, coronavirus is considered an occupational disease). During quarantine and in the absence of sick leave, individuals may work remotely, if possible. Even if not strictly regulated, coronavirus risk would be considered an objective reason for not attending work (for public health purposes) meaning salaries should be paid if there is a risk of infection or symptoms, regardless of whether the employee obtains a medical certificate (e.g. a family member has been in contact with the virus).

#### *Temporary support pay*

The Government has also created the Formal Employment Support Program (PAEF), which will grant employers a monthly monetary contribution and protect the country's formal employment

during the pandemic. It applies to entities that have had a decrease of 20% or more in their income during the pandemic. For state support measures currently in place please see 9 below and consult the [covid-19 hub](#).

## 5 Reduction of activity and the use of apps

### *Reduction of activity*

The Ministry of Labor has described the following alternatives that must be implemented before restructuring or the suspension of employment agreements:

- Work from home and teleworking.
- Flexible working hours and shifts to avoid overcrowding.
- Annual, advance and collective paid vacations: employees and employers can agree at any time to take accrued, advanced or collective vacations to counteract the risk phase of coronavirus.
- Paid leave if this situation is due to the employer's fault or decision.
- Employer and employee may agree on the implementation of a compensation system allowing employees to take leave and subsequently work additional hours to those initially agreed. This system

seeks to compensate time granted to employees using this paid leave.

- Modification of working hours and salary by agreement: given the temporary and exceptional situation impacting on the national economy, employer and employee may agree, during the health emergency and in writing, on the modification of working conditions, including wages, working hours, duties and assigned workload.
- Agree on modification or suspension of extralegal benefits.
- Agree on benefits in collective bargaining agreements.

### *Suspension of the employment agreement*

During the term in which the agreements are suspended, employees are not obliged to work and employers are not obliged to pay salary. Employers must still pay social security contributions, except relating to labour risks. To prevent employers' coercing employees to accept unpaid leave in the context of the coronavirus emergency, the Ministry of Labour issued guidelines on 27 March 2020. Under the guidelines, employers cannot compel employees to request and accept unpaid leave using the justification of maintaining employment, since this is not only illegal, but also severely affects the employee and his or her family's life due to lack of income. As a consequence,

any request for unpaid leave must come freely and voluntarily from the employee.

### *Restructuring*

There are no special regulations in place for the termination of employment agreements in Colombia during the coronavirus health emergency. The Ministry of Labor issued an instruction letter establishing that companies must refrain from mass terminations, and announced a rigorous process by which strict inspection, surveillance, and control will be carried out on employers regarding the termination of employment contracts and employee income reductions during coronavirus emergency phase. However, Ministry of Labor guidelines state it will not grant authorisations to collectively dismiss employees in the current context. Although the Ministry has decided to give priority to all requests for collective dismissals, it is highly unlikely that approval will be given. Dismissals will be deemed collective when a percentage (depending on the total number of employees) is terminated without just cause in a six-month period (all terminations made in the past six months count towards this threshold). A collective dismissal requires prior authorisation from the Ministry of Labor otherwise the terminations will be void. This authorisation requires economic or technical or managerial evidence supporting the decision. The decision (which usually takes at least two months) is subject to the labour inspector's



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This threshold only applies to unilateral termination of employment agreements without cause and excludes terminations for cause, employees' resignation of the employees and terminations by mutual agreement. We recommend using terminations as the last resort and execute them by mutual consent to avoid legal risks, such as constitutional actions for reinstatement.

## 6 Travel

According to the Ministry of Health measures international flights will be restricted in principle until 30 May except for humanitarian flights. This means that nobody will be allowed to enter Colombia during this time. This measure has been taken in conjunction with the closure of maritime, fluvial and road borders.

## 7 Discrimination

No specific provisions relating to coronavirus have been introduced, so you should follow general anti-discrimination provisions.

## 8 Reporting to the authorities

All organisations must establish an information channel between the employer, the EPS, the ARL and the employee, to report any suspicion of symptoms or close contact with persons confirmed with coronavirus. This reporting requirement also applies to

employees working remotely. Organisations must report cases to the EPS and the corresponding local health authority, for them to assess the health condition and determine the need for preventive isolation and/or other containment measures. The Ministry of Health and Social Protection has a free national contact telephone line 018000-955590 and (57-1) 3305041 in Bogotá addressing frequently asked questions about coronavirus. You should protect the privacy of any coronavirus sufferers in your workforce.

## 9 Emergency laws and implications for businesses

The Ministry of Health and Social Protection issued a Resolution modifying the Integrated Social Security Contribution Form (PILA) to temporarily allow the reduced payment of pension contributions during April and May of this year. The Ministry of Foreign Affairs Internal Work Group on Visas and Immigration will take the following measures regarding the operation of visa services:

- Visa applications filed with consulates will be inadmissible, regardless of class or category.
- The Ministry of Foreign Affairs will accept visa applications for study and electronic approval, but will not make visa stamps in the passport.

- The Ministry of Foreign Relations will not examine visa applications from foreign nationals who are outside Colombia.
- Validity terms are suspended for foreign nationals currently outside of Colombia for Visitor Visas for the provision of temporary services or intracompany transfers and for Migrant Visas regardless of the activity.
- The following are suspended until 30 May: anticipated termination of visas for absence from Colombian territory, stamping of approved visas, issue and collection of approved passports, renunciations of nationality and the process of recovery of nationality.
- Other immigration procedures are suspended until 30 May, such as issue of foreign nationals' ID cards, foreign nationals' registration, Temporary Stay Permits, extension of permanence, certificates of migratory movements, certificate of Migratory Movements and nationality and safe-stay permits.

Numerous other measures have been taken to support the economy and suspend judicial activity among others. For full details, please consult the [covid-19 hub](#).

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# Croatia

Last updated:  
11/5/2020

## 1 Restrictions on daily life

Kindergarten, schools and faculties in Croatia are currently closed, and the Ministry of Education has organised online classes for all pupils and students. As of 11 May 2020, kindergarten and schools for pupils from first to fourth grade have reopened for children who are not able to stay at home due to work obligations of their parents (guardians).

The Civil Protection Headquarters of Croatia has adopted numerous decisions to prevent the occurrence and spread of coronavirus. Most of them have already expired, because epidemiological situation allows the progressive softening of anti-epidemic measures. Currently, the only decision still in force is the temporary prohibition on crossing the border into Croatia.

The following are no longer in force:

- prohibition on leaving places of residence and permanent residence

Other decisions are no longer in force, such as:

- temporary suspension of public transport;
- temporary closure of children's playgrounds and open sports grounds;

- measures to limit social gatherings, work in stores, service activities and maintenance of sports and cultural events;
- a Decision on new working hours of stores (from 08:00. to 17:00).

Some new decisions setting out epidemiological recommendations for using public transport, visiting stores, doing sports in the open, etc. have been published.

## 2 Resuming activity

The relaxation of measures in Croatia has taken place in three phases. The first phase began on 27 April 2020, when all stores, except for those in shopping centres, were allowed to start operating. Other service activities were also allowed to start operating, except those involving close contact with clients (such as hairdressers, cosmeticians etc.). These were enabled to operate in the second phase from 4 May 2020.

In the third phase, on 11 May 2020, all shopping centers were permitted to operate and facilities exclusively in outdoor spaces and terraces have been authorised.

There are no specific rules about which office-based businesses are permitted to reopen and when. For these businesses, there are only recommendations from the Government to continue with work from

home for employees for whom this is possible. There are no new epidemiological recommendations for employers: the previous ones remain valid.

In practice, the vast majority of employers are allowing employees who belong to risk groups (chronic disease, cancer patients, pregnant women etc.) or employees who live with high-risk individuals, to stay at home and work from home, if the nature of their work allows it.

Employers must still encourage employees to apply general hand and food hygiene rules, wash hands with soap and water, or use an alcohol-based disinfectant solution before eating, after using the toilet and after any contact with animals. Avoiding handshakes is also recommended. The presence of multiple people in closed spaces should be minimised as far as possible. Where there are multiple people present in the same space, wearing masks is recommended. Physical distance between employees of a minimum 2 meters should be maintained. Between meetings, employer should impose a break long enough to ventilate, clean and disinfect the workspace.

Infected employees must be hospitalised and their absence from work will be treated as temporary incapacity for work (i.e. sick leave). Other employees who were in close contact with an infected person must be self-isolated at home with active medical surveillance for 14 days. The entire working area should also be disinfected.

You can ask employees whether they are infected and whether they have recently travelled to a high-risk area. Under the Croatian Labour Act, an employee must immediately inform his or her employer about a disease or other circumstances that disabling the employee in performance of his or her duties or endanger the life or health of other employees. Employees cannot refuse to tell you if they are infected: it would be considered a breach of their work obligations.

Under the Labour Act, you can send employees for medical examinations to determine their medical fitness to perform certain jobs: this could include coronavirus testing.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

The Croatian Labour Act provides that the employer is obliged to procure and maintain facilities, devices, equipment, tools, place of work and access to the

place of work, and to organise work in a way that ensures the protection of life and health of employees.

To achieve a high level of safety and protection of employee's health, occupational safety experts have particular responsibilities at this time. The employer's on-site occupational safety expert must check daily whether employees are complying with the prescribed measures and conduct frequent internal inspections, the results of which must be communicated to the employer.

Under the GDPR, the processing of personal data should be considered lawful if it is necessary to protect the interest necessary to preserve the life of the respondent or another person. This rule applies where processing is necessary for humanitarian reasons, including for the prevention of epidemics and their spread or humanitarian emergencies, particularly in the event of natural disasters and disasters caused by human intervention.

#### ***Tracing apps***

Although the European Commission has published Recommendation on a common EU toolbox for the use of technology and data to combat and exit from the coronavirus crisis, in particular concerning mobile applications and the use of anonymised mobility data, Croatia has not yet develop these tools.

The Government tried to pass amendments to the Law of Electronic Communications, providing for the possibility of monitoring citizens' mobile phones' location via mobile operators but the opposition and the public objected, and the Government is currently preparing the new revised proposals.

### **4 Pay and leave**

#### ***Sickness and quarantine pay***

For employees who are in quarantine or self-isolation, as well as employees receiving medical treatment, absence from work will be treated as temporary incapacity for work (sick leave). For the first 42 days of temporary incapacity for work, the employer pays.

#### ***Temporary pay support***

The Croatian Employment Service (CES) has introduced measures ('Employment Preservation Package') aimed at preserving jobs in industries affected by coronavirus. The aim of these measures is to safeguard jobs for employers experiencing a temporary decline in business activities and/or losses in business, and to assist people in acquiring the necessary knowledge preparing them for the job market in view of the potential loss of jobs in this difficult economic context. The financing will take the form of an aid of HRK 3,250.00 per the month of March and HRK 4,000.00 per month for April and May

per employee working full-time, up to 1,625.00 HRK per the month for March and HRK 2,000.00 per for April and May per employee working part-time. This is pro-rated where part of the month was worked before the Decisions of the Civil Protection Headquarters of Croatia came into force. Decision of the Civil Protection Headquarters introducing measures for limitation of social gatherings, work in stores, service activities and maintenance of sports and cultural events prohibited work of all cultural activities, catering facilities and all service activities where there is a close contact with the client. All employers whose business were adversely affected by such measures in 20% income decrease compared to the same period last year (i.e. from March to May) can use these financial measures before CES.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Under the Civil Protection Headquarters of Croatia Decisions, employers must organise work from home for employees whenever possible, and minimise close contact between employees, as well as between employees and customers. They must also cancel employees' official trips (except those of great importance) and prohibit employees exhibiting symptoms of coronavirus from coming to work.

In terms of temporary regulation of employment relations in the context of the coronavirus epidemic, employers have the following options: work from home, changes to working hours, decisions on annual leave, temporary decrease in salary, ceasing work operations (with salary payment), unpaid leave (but only at the employee's request), temporary inability to work (for an employee who has become ill with coronavirus, or who is obliged to self-isolate or quarantine) and, as a last resort, dismissal for economic reasons.

### *Restructuring*

There is no prohibition on dismissing employees on national level, but employers who dismiss employees during the coronavirus pandemic will face some consequences.

The number of redundancies (i.e. business-related dismissals) is limited for companies that benefit from the monthly subsidies provided by CES based on the Employment Preservation Package. Companies benefiting from these subsidies will become ineligible to them if between 20 March 2020 and for the duration of payment of subsidies, the number of their employees decreases more than:

- 40% for companies employing up to ten employees;

- 20% for companies. employing less than 50 employees per fiscal year, on average;
- 15 % for companies employing less than 250 employees per fiscal year, on average;
- 10% for companies employing over 250 employees per fiscal year, on average.

Terminations based on expiry of fixed-term employment contracts, retirement or dismissals for misconduct are not taken into account in the decrease.

Employers can apply for the subsidies described above for employees made redundant due to the coronavirus pandemic between 1 and 31 March 2020, but who were subsequently re-hired by the employer within the same period of time.

## 6 Travel

According to the Decision temporarily prohibiting crossing the border into Croatia, all Croatian citizens are prohibited from crossing the border except for health workers, cross-border workers, goods carriers, transit passengers, diplomatic staff and police officers. Croatian citizens returning from high-risk areas who do not show signs of infection are to be placed under medical surveillance in self-isolation based on the decision of border sanitary inspectors.

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According to the prohibition on individuals leaving their place of residence and permanent residence, only the following traffic is allowed: movements necessary for supply, daily commuting for individuals employed in public services whose work is necessary, reporting to the public, residents requiring urgent medical care, movement on vital family grounds (such as providing childcare, care of elderly people, or purchasing food and basic necessities), commuting to and from work where the work is necessary and cannot be carried out from home, urgent and operational services involved in combatting the coronavirus.

## 7 Discrimination

Discrimination should not pose an issue as long as you treat coronavirus infected individuals in the same way as you would treat anyone else who is temporarily incapable of work.

## 8 Reporting to the authorities

If an employee has doubts whether he or she has been in contact with a source of coronavirus infection and begins to show symptoms, he or she must inform your occupational safety and health expert or other responsible person, in order to ensure you can undertake measures for the protection of other employees' health. The employee must also seek medical attention from a competent doctor.

## 9 Emergency laws and the implications for businesses

During this pandemic situation, the main decisions are coming from the Civil Protection Headquarters of Croatia which is managing this crisis.

Police officers have been given a major role because they control whether citizens respect the Civil Protection Headquarters decisions on staying home and only leaving in justified circumstances. Police officers can also check whether citizens have their 'pass card' when they enter or leave their places of residence or permanent residence.

Most courts in Croatia have announced that hearings, inquests and other activities before the court in non-urgent procedures which have been suspended during the current extraordinary circumstances.

As the pandemic is a major blow to the economy, the Ministry of Economy and the Ministry of Finance have adopted various measures aimed at ensuring the financial stability of the state and economic recovery and entrepreneurship, such as deferred payment of state benefits (including of personal income tax, local surtax, pension and health insurance contributions for three months, with a possible further three-month extension subject to conditions), and loans with lower credit rates, among others.

## 10 Other points

On their websites, the Ministry of Health and the [Croatian Institute for Public Health](#) and the [Civil Protection Headquarters of Croatia](#) publish daily reports and latest findings related to coronavirus infection, including adopted decisions and recommendations for specific categories of population (e.g. people over 60, individuals attending public meetings, etc.).

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# Cyprus

Last updated:  
11/5/2020

## 1 Restrictions on daily life

The government has announced a slow exit from the lockdown in three phases. Based on the latest decree issued by the Minister of Health, the first phase started on 4 May 2020 and will last until 20 May; the second starts on 21 May. The third phase is yet to be announced. See [here](#) for details. Homeworking is still recommended for the private sector and communication is encouraged using videoconferencing, telephone and emails.

## 2 Resuming activity

Employers must ensure social distancing is observed between employees as well as with customers. The supply of masks is the employer's responsibility.

The Cyprus Federation of Employers & Manufacturers (OEB) has issued guidelines for businesses. Employers should:

- appoint a crisis management team and a Safety Committee and familiarise themselves with and follow the Ministry of Health instructions regarding the prevention and treatment of coronavirus;
- check whether their employees include workers belonging to vulnerable groups and people who

have been tested positive for coronavirus;

- specify entry and exit procedures for external suppliers, set a structure for collecting deliveries without physical contact and create electronic, cashless and paperless pricing systems;
- encourage the use of masks and gloves where possible, with the exception categories for which the use of masks and gloves is compulsory;
- keep a diary of people entering their premises to facilitate tracking in the event of a coronavirus case;
- encourage employees to work from home, where possible, to reduce the number of employees present at their premises;
- place posters and floor markings in the workplace as reminders of the two-metre distance rule and appoint someone to monitor whether people are maintaining the required distance;
- where possible, set shifts so that the least number of employees are in the workplace at the same time;
- install hand disinfection stations at visible entry and exit points and around the workplace;

- ensure that proper cleaning is carried out daily especially, cleaning of surfaces that people touch several times a day (equipment, computers, keyboards, tables, knobs, etc.) with detergent or disinfectant;
- educate and train staff on the correct use of masks and gloves. If anyone falls sick the employers are obliged to close the workplace for professional disinfection and make sure their employees are safe.

If an employee becomes sick with coronavirus, the business should immediately suspend operations and disinfect the premises before restarting. Employees should stay away until the disinfection is completed. Only registered biocidal users according to the European Centre for Disease Prevention and Control guidelines. When disinfection is completed and before any employee returns to work, the premises should remain closed for at least three hours and then ventilated for approximately 30 minutes. All employees closely related to the sick employee will not return to work and will be under quarantine.

## 3 Data privacy and the use of apps

### *Protecting privacy*

You are accountable for employees' privacy under the GDPR regardless of

whether they work from home or their workplace. Inform employees of the importance of data privacy and the danger of online threats: advise them to change their login details frequently and use more complex passwords. Inform employees immediately of any dangerous emails or spam sent to the company or anything suspicious. Avoid giving employees' personal information to clients and adhere to the exchange of work emails. If employees use their own laptops or computers, they should install strong antivirus software to avoid any privacy/data breach. You must ensure the security level is appropriate to the risk, especially now employers are more exposed to security risks regarding employees' personal data. Enhance IT security measures such as VPN, firewall, antivirus encryption and remind employees of their data security obligations. Employers and employees must be extra vigilant when using teleconferencing since there is a greater exposure to data hacking. It is strongly advised that employees complete training in data protection and are advised to have a plain background during teleconferencing to avoid exposing personal information or their personal space.

#### **Tracing apps**

Tracing apps might be an effective tool to monitor the employees' health, but raise legal and ethical questions, such as the respect of private life and data protection. Employees can consent to use a tracing

app, but if they do not want to use one, employers will be in breach of the GDPR if they compel employees to install the app and use it, as this is too intrusive, especially given the fact that those apps depend on the disclosure of very sensitive personal information. More questions are raised on whether employers are entitled to know when an employee receives a notification. Articles 6 and 9 of the GDPR allow data processing when it is necessary to protect the public interest or a vital interest of the data subject or other subject matter but this must be balanced with employees' rights (part of employers' duty of care) and the principles of proportionality and necessity. This balancing act can be very challenging.

The Cypriot government encourages the use of a mobile phone app, COVTRACER, which traces people who may have come in contact with a confirmed coronavirus case, however this is a voluntary tracing app and people cannot be compelled to use it. A Bluetooth based tracing app was abandoned due to privacy concerns. Due to the above, we consider in Cyprus you cannot compel an employee to install the app or have access to the employee's notifications, since this will be going too far.

If an employee is placed in compulsory quarantine, they should apply for a Special Sickness Allowance benefit, provided that they have a certificate issued by the Ministry of Health.

## **4 Pay and leave**

To protect both employers and employees, the government has so far implemented five emergency schemes and some additional support measures.

*Special Part-Work Suspension Plan* was introduced in March 2020 for employers that had partly suspended operations, meaning a reduction in turnover of over 25% in March 2020 compared to 2019. The scheme has now been renewed covering the period between 13 April to 12 May 2020. The reduction should be exclusively as a result of the pandemic. The basic requirement is not to proceed with any dismissals starting from 1 March 2020 until the plan ends, and for a period equal to the plan's duration plus one month. During this time, you cannot dismiss any employee for economic reasons. Affected employees are entitled to receive statutory unemployment benefit for as long as operations are suspended. The benefit paid is 60% of the amount insured, up to a cap of EUR 1,214 and not less than EUR 360.

*Special Total Work Suspension Plan* is for employers forced to close from 16 March 2020 as a result of the government's decisions and for businesses which have a reduction in turnover of over 80% because they are directly related to businesses subject to an obligatory suspension. The initial scheme has now been renewed covering 13 April to 12 May 2020. The basic requirement is not to proceed with any dismissals

between 1 March 2020 until the plan ends, and a period equal to the plan's duration plus one month. During this time, you cannot dismiss any employee for economic reasons. The benefit is 60% of the amount insured up to a cap of EUR 1,214 and not less than EUR 360.

*Special Benefit for the Self-Employed* is for self-employed people who have suspended work either partly or totally. The initial scheme has now been renewed for the period 13 April to 12 May 2020. Pharmacists, microbiologists, doctors (except dentists), vets, medical suppliers and equipment operators, and public academic trainers are not eligible. The basic requirement for those applying is not to dismiss employees for economic reasons between 1 March 2020 until the plan ends and a period equal to the plan's duration plus one month. The benefit is 60% of the amount insured and will vary between EUR 300 and EUR 900.

*Special Sickness Allowance* is available to employees and the self-employed who fulfil the following criteria:

- They are 'vulnerable' (falling under any of the categories of vulnerable individuals published by the Minister of Health on 29 April) and need to be absent from work to protect their health. They should hold a medical certificate issued by their GP. This only applies to people who cannot telework or work flexibly.

- They are absent from work because they are in obligatory quarantine or in self-isolation as per Ministry of Health instructions and hold a medical certificate issued by their GP or the Ministry of Health. This only applies to people who cannot telework or work flexibly.
- They have coronavirus and hold a Ministry of Health certificate .
- They are 63 or older, do not receive state pension and continue to work.
- They are disabled and work as per the Schemes for Occupation with Support.

*Special Leave for Employee-Parents* allowance is for carers of children aged up to 15 and disabled children irrespective of age. It is only available for private sector employees for a maximum of four weeks and your consent is necessary. Only one parent can claim it and only where teleworking or working flexibly is not possible and they have no other help at home.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Cypriot employers' main option for activity reduction is to suspend operations under the Special Part-Work Suspension Plan (see 4 above). Other options include

temporarily keep off their workforce employees entitled to the special allowances the Social Insurance Fund is paying to employees during the pandemic (i.e. the Special Sickness Allowance, Special Leave Allowance). Employers could also reduce employees' working hours, provided they have employee's prior consent/ agreement to these changes. Unilaterally changes to employees' working hours are not permitted and if employers insist on such a change, employees could argue that their employment agreement was repudiated and that they have been constructively dismissed. Finally, employers could require employees to take leave but only if this is reasonable or allowed under the contract of employment. Forcing employees to take either paid or unpaid leave entitles serious risks, especially regarding unpaid leave, since the employer's obligation to provide the employee with work (and pay) and the employee's right to work (and receive payment) are considered implied within every employment agreement. The only way for an employer to reduce risks is to reach an agreement with employees under which they consent to be off work with paid or unpaid leave for a reasonable amount of time.

### *Restructuring*

In Cyprus dismissals for restructuring are lawful within the strict conditions in Cypriot legislation on redundancies. This legislation, has not been updated/amended in the context of the

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coronavirus pandemic. Employees who are terminated on grounds of redundancy are considered to be fairly dismissed and are not allowed to receive any statutory compensation from their employer regarding their dismissal. The main legal reasons for redundancy are reduction in the volume of the employer's business, reorganisation, closing specific departments and business or workplace closure. Based on Cypriot case law, it is doubtful whether an employer could invoke reduction in business volume to dismiss employees at this stage of the pandemic. However, the employer could invoke other redundancy reasons for the dismissals such as reorganisation (provided that he/she actually reorganised his/her business and as a result the redundant employees' duties were eliminated) or business/ department closure (subject to conditions).

## 6 Travel

Flights have been prohibited as of 03:00 (Cyprus time) on 21 March 2020 and still are, with the exception of the transport of cargo between Cyprus and the rest of the EEA. Return to Cyprus is only allowed for specific categories of people. All returnees must quarantine for 14 days in government-designated premises by the government and take a mandatory coronavirus test. Those who were abroad for medical reasons and returned to Cyprus should self-isolate at their home and continue receiving their medical treatment. Anyone returning to Cyprus

must undergo a mandatory coronavirus test. Flights to and from Cyprus for humanitarian reasons or individual flights for exceptional emergency circumstances are also exempt. The government has also started the repatriation of individuals who applied for it.

## 7 Discrimination

In general, you should be aware of the risk of direct and indirect race discrimination claims. Employers could be liable if their employees racially harass other employees, even if the employer does not know and would not approve of such behaviour. Careful staff training is advised.

## 8 Reporting to the authorities

Anyone wishing to travel for work must have a certificate signed by their employer, plus ID. For all other permitted travel, those under 65 years old must send an SMS to 8998 seeking government approval and have their ID or passport with them at all times. Those over 65 can complete a handwritten form, which they should carry with their ID or passport. Based on new Ministry of Health guidelines, if someone is infected, or thought to be infected, he or she must self-isolate and contact 1420, which operates 24/7, to receive step-by-step instructions on how to proceed. If you need more information about coronavirus, you can contact either 1450, which operates 24/7, or 1412 from 08:00 to

20:00. Avoid communicating any sensitive personal data about an individual and encourage the employee to report their own case.

## 9 Emergency laws and implications for businesses

The deadline for self-employed to pay their social insurances contributions has been extended to July 2020. The scheduled increased contribution rate to the General Health System has now been postponed from 1 April to 31 May 2020.

All Cypriot Courts and Courts Registrars reopened from 4 May. The Central Bank of Cyprus (CBC) has relaxed the criteria for new loans and other credit facilities to help affected businesses and households meet their current liabilities. Restructuring is available to performing borrowers, who will have to apply for restructuring by 30 June 2020. New credit facilities may include overdrafts and short-term loans with full repayment at the end of the loan rather than instalment payments. The purpose of these new credit facilities is to cover current needs, including payroll, rent, debt to creditors, etc. The CBC has advised banks to demonstrate flexibility to affected businesses and households and to restructure existing loans and other credit facilities. The Association of Cyprus Banks has suspended foreclosure proceedings until 18 June 2020.

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# Czech Republic

Last updated:  
12/5/2020

## 1 Restrictions on daily life

From 12 March 2020, in-person attendance in school and university facilities has been restricted. In the past few weeks, some exceptions have been allowed (in particular for final-year students).

Retail sale of goods and provision of services in establishments is restricted, with certain listed exceptions. Providers of goods and services may be forced to restrict or close their operations. However, restrictions have been considerably eased see 2 below. An employer's operation may also be closed based on an individual quarantine decision issued by the competent public health authority.

The Government has ordered that individuals can now stay and move in publicly accessible places in groups not exceeding ten. This limit does not apply to groups of household members, performance of professional, business or other similar activities, and funeral attendance. A distance of at least two metres from other persons must be kept (if possible). The Ministry of Health has issued an order requiring people to wear protective face equipment (such as respirators, drapes, face masks, headscarves, etc.) outside of home. Even though certain exceptions are allowed, employees are generally obliged to wear protective face equipment in the workplace.

## 2 Resuming activity

The Government has devised a plan easing restrictions in several phases (on 11 May 2020 shops in shopping malls, museums, galleries, hairdressers, etc. opened, on 25 May 2020 restaurants, cafes, theatres, taxi services, etc. will open; other establishments will open over the following months as yet unspecified).

The Government has issued specific requirements for sale of goods or provision of services in establishments (shops) that have opened. Employees must wear masks (see above) and keep distance from others of at least two metres (if possible).

Employees cannot refuse to come back to the office (assuming the employer's workplace adheres to all relevant health and safety requirements).

You cannot enforce coronavirus testing for employees: at present, these tests are performed only at the discretion of the public health authorities or attending physicians. However, some healthcare facilities offer tests for a fee. The Ministry of Labour and Social Affairs recommends employers ascertain eligibility to work through extraordinary occupational medical examinations. You should, however, consult your provider of medical services on how to proceed. If an employee tests positive for coronavirus, he or she is ordered into quarantine. The employee must then inform the employer of his or her status.

## 3 Data privacy and the use of apps

### *Protecting privacy*

As a general rule, you can only process employees' data that directly relates to performance of work and to the employment relationship. The processing must adhere to rules set forth by law. In the context of the coronavirus crisis, employers may have to process personal (or otherwise sensitive data) that they usually do not process (such as health-related data). They must nevertheless adhere to the principles of necessity, proportionality and accountability and should aim to minimise any risks that processing might pose to employees' right to privacy (as well as other rights). You can only process personal data of employees to the extent necessary for the purposes of protecting employees' health and ensuring safety in the workplace. Employers should not process personal data beyond what is necessary to the identification of potentially exposed employees. This is confirmed by the Office for Personal Data Protection guidance. When monitoring employees, non-intrusive measures should always take precedence. You may be required by law to disclose certain data to state authorities for public health reasons.

### *Tracing apps*

A contact tracing programme has been launched by the Czech Republic that allows for mapping of social contacts of



individuals positively tested for coronavirus by means of an infected person's card payment and mobile operator data from the previous five days, plus data from a related tracing app that people may voluntarily install on their mobile devices. Use of the data by public health authorities is subject to the infected person's consent. Employers cannot require employees to participate in the programme or to install the tracing app, or require data from the programme. You cannot refuse access to the workplace or deny pay to an employee who chooses not to participate in the tracing programme. In employment law, employee consent is very problematic due to the imbalance of power between employer and employee. For that reason we cannot exclude the possibility that employee consent to an employer's tracing app might be considered invalid. In that case, there will be a serious risk of potential fines from the data protection authority.

## 4 Pay and leave

### *Sickness and quarantine pay*

In cases of temporary incapacity to work due to illness (medical certificate completed by a doctor) as well as in case of quarantine, you must pay the employee 60% of their reduced average earnings for the first 14 days. From the 15th calendar day, the employee receives state sickness benefits.

### *Temporary support pay*

*Carer's allowance:* An employee taking care of a child or other dependent can apply for carer's allowance. This is a sickness insurance benefit provided by Czech Social Security Administration (CSSA) of 60 % of the so-called 'reduced daily basis' (calculated based on employee's salary). Until now, carer's allowance was provided by the state to employees who could not work due to having to take care of child under ten as a result of schools and other facilities being closed on the decision of a competent authority; the child being in quarantine; or a person previously taking care of the child being incapable of doing so due to injury, illness, etc.

From 27 March 2020, new rules apply for the duration of the Government extraordinary measures. During this period, carer's allowance is also provided to employees who cannot work due to having to take care of:

- a child under 13 years if school or similar is closed;
- a dependent child (regardless of age) with at least level I (light) dependency;
- a person over ten who is placed in a facility providing specific care to individuals with at least level I (light) dependency; if their care facility was closed due to extraordinary measures.

Extraordinary measures carer's allowance will be provided for the entire period of effect of these measures (even retroactively and even where carer's allowance was used up prior to the new law) but until 30 June 2020 at the latest. From 1 April to 30 June 2020, carer's allowance of 80 % of reduced daily basis will be provided. It will also be provided (under certain conditions) to employees on zero-hour contracts (so-called 'DPP' and 'DPČ').

*State financial aid for employers:* The Government has adopted a 'Antivirus' programme targeted programme to support employment and to help employers. There are two regimes.

### Regime A

Under Regime A, employers can apply for a state contribution to salary compensation paid to employees due to:

- employee quarantine (ordered by physician or public health authority) in connection with coronavirus (employer pays 60% of employee's reduced average earnings for the first 14 days);
- operation closed or restricted by official measures (national and foreign) in connection with the COVID-19 crisis (employer provides 100% of employee's average earnings).

The state covers 80% of salary compensation paid by the employer to employees described above (including health and social security contributions). The upper limit per month per employee is CZK 39 000 (approximately EUR 1,429)

#### Regime B

Under Regime B, employers can apply for a state contribution to salary compensation paid to employees due to:

- absence of a significant number of employees due to obstacles on their part (employer provides 100% of employee's average earnings);
- fall of availability of inputs (employer provides employees with 80% of their average earnings);
- decrease in demand for the employer's products and services (employer provides 60% of employee's average earnings).

The state covers 60% of salary compensation paid by the employer to employees due to the relevant obstacles (including health and social security contributions). The upper limit for such contribution per month for one employee would be CZK 29 000 (i.e. approximately EUR 1,062).

The above only applies for obstacles to work after 12 March 2020 (when the state

of emergency was declared). The Antivirus programme is approved until 31 May 2020. Any further extension is subject to Government's approval.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

Employees taking care of dependents may be affected by closure of care facilities. If an employee cannot ensure care for his or her child or other dependant in any other way and must stay home, this is an obstacle to work on the employee's part, who will not be entitled to any salary compensation from his or her employer. These employees can apply for carer's allowance (see 4 above).

Homeworking must be agreed by you and employees and cannot be imposed. As homeworking is not suitable for all employees, you may need to put some employees on the 'paid obstacle to work' regime. Home workers should also be compensated for related costs (equipment, electricity, etc.).

If employees are officially ordered into quarantine, they cannot work: quarantine is considered an obstacle to work on the part of the employee. He or she must inform you and adhere to the quarantine conditions. They are entitled to 60% of their reduced average earnings from the employer for the first 14 days of

quarantine. From day 15, these employees are entitled to state sickness benefits. Some public measures preventing employers from allocating work or preventing employees from working may be considered as quarantine.

Some operations may have to close or may be restricted due to official measures. If you cannot allocate work to employees, this would be considered an obstacle to work on the employer's part and affected employees stay home and get 100% of their average earnings.

You can introduce 'partial unemployment' by an internal rule or by agreement with the relevant trade union if there is a temporary cut in demand as a result of which you cannot allocate work to employees. Employees will stay home and are entitled to at least 60% of their average earnings. If you have to interrupt operations because of missing components/raw materials and cannot allocate work to your employees, this is 'dead time': affected employees are entitled to 80% of average earnings.

You can unilaterally direct employees to take annual leave with 14 days' notice: it is possible to agree a shorter notification period with them.

You can reduce an employee's working hours by agreement and prorate salary but cannot do so unilaterally. If salary is not reduced, you can reduce working hours unilaterally.

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### **Restructuring**

The rules on individual and collective redundancies remain unchanged during the coronavirus crisis. Redundancies are only possible on grounds stated by law. In connection with reduced workload and downsizing/restructuring, the most relevant grounds are 'organisational grounds', in particular: dissolution of employer (or part thereof); or employees becoming redundant because of a decision on reduction of headcount to enhance work efficiency, or on other organisational changes. If certain thresholds are reached (i.e. total number of employees and number of employees made redundant due to organisational grounds), collective redundancy obligations towards employees (their representatives) and state authorities (the Labour Office) are triggered.

### **6 Travel**

The Government has reintroduced border controls. Czech borders can only be crossed in certain designated places and at certain times. For air border crossings, only Prague and Kbely airports can be used. Only Prague airport can be used for international passenger travel. This applies until 13 June 2020 (23:59). Restriction on international travel have been mostly lifted: international (cross-border) road and rail passenger transportation can resume (depending on measures adopted by neighbouring states). The ban on leaving the Czech

Republic has been lifted but transport restrictions and border controls may still impede travel.

From 11 May 2020 until the end of the state of emergency (17 May 2020), the Government has re-issued a travel ban, easing restrictions and banning entry to the Czech Republic only for foreign nationals without temporary or permanent residency in the Czech Republic (with certain listed exceptions). Anyone entering the Czech Republic must notify the competent hygiene station (with certain exceptions). The hygiene stations must order 14-day quarantine for anyone entering the territory of the Czech Republic without a negative coronavirus test no more than 4 days old.

### **7 Discrimination**

The employer must ensure equal treatment of employees and comply with the prohibition on discrimination. Employers must also prevent bullying and harassment. Should the situation escalate despite the employer's efforts, it is possible to consider issuing reprimand letters to employees.

### **8 Reporting to the authorities**

You can consult a hygiene station about employees who appear infected. In this case, you can provide the hygiene station with the necessary personal data. If a hygiene station gets involved on its own initiative, you may have to provide

personal data (e.g. who the employee may have been in contact with and for how long). If the criteria for the collective redundancy regime to apply are met (see above), the employer must notify the Labour Office.

## **9 Emergency laws and implications for businesses**

The state of emergency has been extended until 12 May 2020. Under the state of emergency, the Government is authorised to issue extraordinary measures (and impose restrictions on individual rights). To mitigate the impact of the crisis, the state has adopted various measures to aid businesses and their employees. In addition to those described above, they include health and social security insurance relief, tax obligation relief, and direct financial support for the self-employed. The validity of work permits and short-term Schengen work visas has been extended. As regards policing and surveillance, border controls and policing, as well as a tracing programme have been introduced (see above).

## **10 Other points**

We recommend you monitor current developments and official communications closely as the situation is still evolving.

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# Denmark

Last updated:  
11/5/2020

## 1 Restrictions on daily life

On 11 March 2020, the Government decided that all public sector employees should stay home and work from home to the extent possible unless they are 'essential employees'. For private sector employees, the Government recommended employers to ask their employees to work from home, if possible. From 14 April 2020, phase one of the Danish reopening plan started which included private sector employees increasingly working from their normal place of work. Further, on 7 May, the Government declared that as a part of phase two more private sector employees can return to their normal workplace. If it is decided that employees must work from home, it is important to set up a policy (if there is not already an applicable policy) to cover this.

The Epidemic Act has been amended so the Minister for Health may issue executive orders banning gatherings of people, events, etc. Currently, events and activities where more than ten people gather are banned. Certain types of businesses have temporarily been ordered to close, including restaurants, nightclubs and shopping malls but from 11 May 2020, shopping malls can reopen. The same applies for restaurants and bars from 18 May (part of phase two of the reopening plan). From 8 June, phase three takes effect, and it is expected the ban on gatherings will be raised to 30-50 people. Museums, outdoor amusement parks, cinemas etc.

will also be allowed to reopen. Businesses identified as a high risk of dissemination, such as fitness centres and night clubs will be part of phase four and will not be reopened before early August (at the earliest).

Apart from that, many employers are facing a significant decrease in activities and have decided to temporarily close down their business, entirely or in part. For businesses affected by the measures implemented to reduce the spread of coronavirus, several initiatives (see 4 and 9 below) have already been implemented. Further, in some sectors changes to CBAs have been made to strengthen employers' leeway.

With effect from 15 April 2020, the Government decided to reopen most pre-schools (up to fifth grade) and childcare institutions. Further, with effect from 18 May, students in sixth to tenth grades and boarding schools can return to school. These institutions must, however, comply with official guidelines and as a result, opening hours of a number of schools and childcare institutions have been reduced. As a starting point, employees are obliged to perform their work duties as requested by the employer even though they may have difficulties arranging childcare. In practice, most Danish employers will make arrangements with employees regarding homeworking, time off in lieu, holiday, etc., which should at least partly mitigate the challenges regarding this.

A decision to quarantine an employee can only be made by the Health Authority. However, you may require an employee to stay away from work or work from home to reduce the risk of spreading coronavirus. You might do this, for example, if an employee has recently travelled or for other reasons is feared to increase the risk of spreading coronavirus.

## 2 Resuming activity

Generally, employers must take necessary preventive measures to secure employees' health and safety. The 'basic advice' is social distancing (which has with effect been set at 1 metre from 10 May 2020), keeping the workplace clean, providing soap and hand sanitiser, limiting physical meetings and travel.

The Danish Government has asked all organisations to follow the specific guidelines issued by the Health Authority, the Working Environment Authority and the Ministry of Industry, Business and Financial Affairs and encourage their employees to do the same. In fact, employers are under an obligation to specifically inform employees of any relevant precautions that they should take based on advice from the Health Authority no regardless of whether the employees are working from home. Examples of guidelines covering specific sectors include those from the Ministry of



Industry, Business and Financial Affairs about liberal professions (e.g. hair-dressers, dentists, restaurants etc.), office workplaces and construction sites.

Measures that have been put in place (are recommended) include organisational changes such as working in shifts, adapting the workplace to social distancing, etc.

If the employer makes sure to comply with all the relevant measures and guidelines from the authorities, an employee cannot (as a starting point) refuse to come back to the workplace. If the employee has specific concerns (e.g. due to chronic illness), most employers will enter into a dialogue with the employee in order to try to find a solution.

If an employee falls ill and suspects it may be coronavirus, the employee should be encouraged to follow the Health Authority guidelines. Currently, the Health Authority offers everyone falling sick with symptoms that could be coronavirus to be tested.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

Generally, you are not permitted to ask employees questions about their health, but as the coronavirus may have a significant impact on employees' ability to perform their work, if an employee

becomes infected, he or she must let you know.

An employer cannot force an employee to be tested for coronavirus. However, special guidelines may apply to employees in certain sectors. Further, if an employee shows signs of being infected with coronavirus, the employer can send the employee home with pay and encourage the employee to be tested.

According to the Data Protection Agency, an employer may register and disclose information about employees' health (e.g. that an employee is infected with coronavirus) to enable the employer to take the appropriate safety measures. The processing of such data must be limited to what is necessary in order to fulfil this purpose and the employer must, thus, always consider if the purpose can be achieved by processing 'less'.

In addition, processing information on coronavirus is required in order for the employer to apply for reimbursement of sickness benefits under the new rules regarding coronavirus.

#### ***Tracing apps***

Employers cannot force an employee to install an app unless this app is a 'work tool' needed in order for the employee to carry out his/her work. A tracing app will not generally meet this requirement.

If an employee installs a tracing app, data from the app will not necessarily be available to the employer. That depends on how the app works. Furthermore, even if data from the app is available to the employer, the employer will not automatically be entitled to process data derived from the app. This type of data processing requires that the employer meets the normal statutory data protection standards for such processing, bearing in mind that the data might be health data which means that strict legal standards must be met.

It is important to stress that employers must obtain the employee's explicit consent before processing data on the employee's health via a tracing app in order to be compliant with data protection legislation. The employee must receive detailed information on what data the employer will receive via the app, and the employee will be entitled to withdraw his/her consent at any time.

Further, the Data Protection Agency has published an article in which the Agency comments on tracing apps and states that 'a voluntary approach and transparency are crucial factors'.

### **4 Pay and leave**

#### ***Sickness and quarantine pay***

If they are infected with coronavirus, employees will receive sick pay, provided they are normally entitled to it.



If they are not entitled to receive pay during sickness, they will generally be entitled to sickness benefits from the public authorities instead.

If an employee is quarantined by the Health Authority, he or she should be treated as if he or she is off sick. The employee will be entitled to receive pay from the employer if they are normally entitled to this. The same applies if the employer, based on the Health Authority guidelines, decides to require an employee to stay away from work for a certain period of time.

### ***Temporary pay support***

The Government has introduced new sickness benefit rules providing a right to receive benefits or reimbursement of benefits from the first day of sickness absence if the absence is due to Coronavirus infection or an officially imposed quarantine. For more details see [here](#).

An executive order on wage compensation for private sector entitles businesses to send home affected employees with full pay in the period from 9 March to 8 July 2020. The scheme applies to businesses that are facing dismissal of at least 30% of the employees or more than 50 employees. The scheme covers employees employed by 9 March 2020, and employees can be sent home with wage compensation at one day's notice. Under the wage compensation scheme, the employer

receives compensation. For salaried employees, the compensation to the business will amount to 75% of the employees' salary subject, however, to a cap of DKK 30,000 per month per full-time employee if the business chooses to send home the employees instead of dismissing them. For non-salaried employees, the wage compensation will amount to 90% of the employees' salary subject, however, to a cap of DKK 30,000 per month per full-time employee. For more details see [here](#) and [here](#).

The possibility of obtaining supplementary unemployment benefits for employees under a scheme regarding distribution of work has been enhanced. For more de-tails see [here](#).

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

In Denmark, it is not possible to send home employees without pay unless the employer has specific legal authority to do so, e.g. in a collective agreement.

For temporary lay-off measures with pay, please see above under Temporary state support for pay.

The employer can also require that the employees take holiday subject to the notices laid down in the Holiday Act. Employees may also be required to take holiday without notice if the company's

operational or financial situation is significantly affected by the coronavirus situation.

Agreements on temporary salary reduction (or reduced working hours leading to an equivalent salary reduction) are possible provided that the employer enters into an agreement with each individual employee. If these agreements are not possible, the employer could unilaterally give notice of the salary reduction/reduced working hours with a notice equivalent to each employee's individual notice period. However, the employees may decline to accept such an essential change to their employment terms and instead consider themselves dismissed with the applicable notice.

Redundancies caused by the employer's economic situation are also possible. Depending on the number of employees made redundant, specific compulsory procedures may apply.

As a general rule, dismissing an employee due to force majeure is not possible in Denmark unless the employment agreement explicit lays down such an option.

### ***Restructuring***

No special measures relating to downsizing or restructuring have been implemented as a consequence of the coronavirus. See the measures described under Reduction of activity, above.

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## 6 Travel

The Government announced the implementation of border control at all of Denmark's borders from Saturday 14 March. Only travellers who can demonstrate a 'worthy or credible purpose' (anerkendelsesværdigt formål) for entering Denmark will be allowed entry; however, Danish nationals will always be permitted to enter Denmark. The Government has not announced when this will end, however, the majority of the Danish Parliament has requested a timetable for the tourist sector to be able to prepare for the summer holidays.

As regards business travel, the Business Authority has announced that business partners or contacts, customers, etc. may travel to Denmark to attend meetings which relate to 'an existing contract' or similar. However, the traveller must be able to present documentation of the contractual relationship, such as a contract. For more details, see [here](#).

## 7 Discrimination

Employers must consider the risk of directly or indirectly discriminating against employees on grounds of ethnic or national origin. All restrictions implemented in the workplace must be general restrictions, and in no way be directed towards employees of any particular ethnic or national origin. They must at the same time be legitimate and

proportionate, in order to avoid a later claim of indirect discrimination.

Further, employers must consider the risk of claims of disability discrimination in situations where the employee or the employee's family belong to a 'risk category', for example due to a chronic illness. In this situation, the employer must consider the risk that the employee may be disabled and must be sure to comply with the requirement to take appropriate measures to retain the employee in his/her employment.

## 8 Reporting to the authorities

In Denmark, there has been a change of strategy from containment to mitigation. This means that if a person develops symptoms of coronavirus infection, the person should stay at home or go home from work immediately. There is no general obligation to contact the authorities for a test and there is no general obligation to register or even contact a doctor. However, special guidelines may apply to employees in certain sectors, such as health care staff.

## 9 Emergency laws and the implications for businesses

In addition to the mitigating initiatives for employers mentioned above, several other economic initiatives have been presented, including:

- possibility of compensation for some fixed costs for severely affected businesses;
- temporary 'wage' compensation for the self-employed and freelancers;
- tax credits and VAT credits for severely affected businesses;
- initiatives aimed at exporters taken by EKF Denmark's Export Credit Agency;
- extra state funded financial guarantees for new loans and credits granted to affected business;
- deviation from normal rest requirements due to *force majeure*.

Further amendments and measures may be implemented.

## 10 Other points

The [official coronavirus website](#) (in English) provides information on health, measures to reduce the spread of coronavirus, initiatives to mitigate the negative economic consequences, etc.

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# Estonia

Last updated:  
14/5/2020

## 1 Restrictions on daily life

On 12 March 2020, the Government declared an emergency situation in Estonia. The following measures were applied over the following weeks in order to curb the spread of the virus:

- all schools closed and all educational activities ordered to be carried out electronically;
- restriction on crossing the state border and reintroduction of border controls;
- prohibition on individuals (with exceptions) leaving their place of residence within 14 calendar days of arrival in Estonia;
- prohibition on individuals (with exceptions) who are diagnosed with coronavirus and people residing in the same place with them leaving their place of residence until they recover;
- suspension of provision of scheduled (non-urgent) health-care services in private hospitals and dental clinics;
- closure of shopping centres, except for grocery stores, pharmacies and a few other specific category shops located in shopping centres;
- closure of libraries;
- limit on the number of customers who may enter a shop at the same time;
- prohibition on all public gatherings, film screenings, nightclubs, shows/performances, concerts and conferences, sports and exercise events and visits to museums and other exhibitions;
- prohibition on visits to public sports halls, gyms, saunas, spas, sports clubs, swimming pools, water parks, day centres, casinos and slot machine halls, hookah cafés, recreation and entertainment facilities, including, for example, bowling, billiards, adult clubs, and children's playrooms;
- prohibition on staying after 22:00 in catering establishments, including restaurants, cafés and bars (except for takeaway);
- prohibition on more than two people being together and moving around in a public place;
- obligation on people to keep at least two metres from others indoors (except in homes) and places intended for public use.

The Health Board has also advised people to properly observe hygiene requirements, stay at home and avoid any unnecessary social contacts. Distant

work has been recommended, where possible.

## 2 Resuming activity

Shopping centres, museums and exhibition halls were allowed to reopen from 11 May 2020. Schools and hobby education providers are allowed to resume their (contact study) activities from 15 May 2020. Libraries are set to open on the same day. Sports clubs and swimming pools are allowed to open from 18 May 2020.

Shopping centres are subject to social distancing rules under which a two-metre distance should be maintained. Disinfectants are to be made available and proper cleaning of surfaces ensured. Masks are not obligatory but their use is recommended. Distance marking is recommended on floors and contact at cash register minimised. Plexiglass protections are also advisable at the cash register.

Schools can organise their activities in study groups of up to ten people. Measures must be taken to protect the staff and students from the spread of the virus, including disinfecting surfaces and ensuring sufficient ventilation. Use of masks is not obligatory but is strongly recommended for staff members and students belonging to risk categories.

Rules and recommendations to sports clubs and swimming pools are yet to be announced.

In order to ensure a safe working environment and prevent employees from falling sick, you should take appropriate measures, including provision of hygiene products and disinfectants. You should provide employees with instructions necessary in order to avoid the spread of the virus in the organisation. It is also important to ensure cleaning of frequently used rooms, objects and surfaces and to avoid meetings and business trips.

If an employee has fallen sick, you should immediately send the sick employee home. You should ask other employees to monitor their health and to remain at home if any symptoms occur. In addition, you should carry out effective cleaning and disinfection at the workplace.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

As any data relating to the health of the employees is special category personal data, you will require a lawful basis for processing this data under the GDPR. Generally, employee's consent is required for any health-related data processing.

According to the recommendations of the local regulatory authority (Data Protection

Board), employers are justified in requesting mostly information that does not qualify as special category personal data, such as whether the employee has come into contact with people who have been diagnosed with coronavirus. It would also be justified to request the employee to confirm that he or she does not pose a risk to other employees or the working environment in general. The Data Protection Board has questioned whether employers could claim special category personal data (health data) from employees in connection with the spread of coronavirus and the employer's obligation to secure the safety of the working environment.

#### ***Tracing apps***

Use of virus tracing apps is not specifically addressed by Estonian law. It is questionable whether employees can be required to install virus tracing apps if there are less invasive measures available in order to ensure occupational health and safety. Refusal to comply with lawful occupational health and safety rules may provide a basis for suspension of an employee from work, however, whether the requirement to install a virus tracing app can be considered lawful is a separate issue and needs to be analysed in more detail, taking into account other possible measures that can be adopted, the efficiency of such measures, etc. If employees do install the app and the employer requests an employee to stay quarantined on the basis of information retrieved from the app, the employee

must still be paid for the respective period, unless they are sick and entitled to sick pay.

## **4 Pay and leave**

### ***Sickness and quarantine pay***

If an employee has returned from travel and must therefore stay home for 14 days but has no symptoms of the coronavirus, the employee will not be granted preventive sick leave. In this case, you may ask the employee to work from home. If working from home is not possible, the parties must agree on another solution acceptable to both parties (e.g. use of leave, change of work tasks etc.). However, the employer must pay the employee an average remuneration for a reasonable period (must be assessed by the parties).

If an employee has symptoms of coronavirus, he or she will be granted sick leave by the doctor. Sick leave may also be granted if the employee has had direct contact with a person with coronavirus. The first three days of illness are unpaid, except in the period from 13 March 2020 until 17 May 2020, during which the first three days of sickness are also paid by the Health Insurance Fund. Sickness benefit is paid by the employer from day four to day eight and by the Health Insurance Fund from day nine.

If, due to unforeseen economic circumstances beyond your control (e.g.

the coronavirus), you cannot provide an employee with work to the agreed extent and payment of the agreed salary would be unreasonably burdensome on you, you may reduce the employee's salary for up to three months over a period of 12 months to a reasonable extent, but not below the minimum wage established by the Government of the Republic.

### ***Temporary pay support***

On 20 March, the Government adopted a relief measure which is made available to enterprises that meet two out of the following three criteria:

- The employer's sales, or in the absence of sales, the income has decreased by at least 30% in the calendar month for which the compensation is applied for compared to the sales or income of the same calendar month of the previous year.
- The employer cannot provide at least 30% of the employees with work to the agreed extent and the employer applies s35 or s37 of the Employment Contract Act.
- The employer has reduced pay of at least 30% of employees by at least 30% or to the minimum wage established by the Government based on s37 of the Employment Contracts Act.

The Estonian Unemployment Insurance Fund compensates 70% of the average gross wages of the employees, but not more than EUR 1,000 per month. Employers are obliged, while receiving the aid, to pay at least EUR 150 per month to every employee. The taxes will be paid by the Estonian Unemployment Insurance Fund and by the employers themselves.

## **5 Reduction of activity and restructuring**

Where possible, you may ask employees to work from home. However, you cannot force employees to work from home and they cannot demand to work from home if they have not been infected.

You may decide to close the workplace as a preventive measure. In this case you must continue to pay employees and grant other rights and benefits to them under their employment contracts and legislation.

If you are not able to provide employees with work to the agreed extent, you may agree with them on use of unpaid or paid leave or amendment of working time. However, if the employee does not agree to this, you may be entitled to reduce the employee's pay unilaterally. You may also terminate an employment contract if the continuance of the employment relationship on the agreed conditions becomes impossible because of a decrease in work volume or other

cessation of work, including as a result of the coronavirus (layoff).

Employees are entitled to 15-90 days prior notice of the layoff (depending on the duration of their employment) as well as layoff compensation amounting to one month's average salary.

No changes to the layoff rules have been adopted in connection with the coronavirus crisis.

## **6 Travel**

We recommend you cancel all business trips. If an employer decides to send an employee on a business trip, the employee may be entitled to refuse to go. This cannot be considered as a violation of the employee's duties. In addition, the entry requirements of the host country must be considered.

## **7 Discrimination**

Any form of discrimination is prohibited. This means that employees of any nationality which is associated with high-risk areas may not be discriminated against based on their nationality. Employees must also not be discriminated against on the basis of their health status, i.e. if they have been diagnosed with coronavirus.



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## 8 Reporting to the authorities

There is no specific requirement to report coronavirus cases to the authorities: this is done by healthcare service providers.

## 9 Emergency laws and the implications for businesses

Interest will not be applied on tax arrears for the period from 1 March to 17 May 2020. It is still important to submit tax returns on time and settle tax obligations, but tax interest will not accrue during this period. As a longer-term relief measure, tax interest is decreased from 0.06% per day to 0.03% per day from 18 May 2020 until 31 December 2021.

For solvency problems, taxpayers can apply to make tax payments in instalments. It has been announced by the Ministry of Finance that the tax authority is instructed to grant payment schedules for 18 months if the tax arrears have arisen due to liquidity problems caused by the spread of coronavirus. For smaller tax amounts (up to EUR 20,000) a payment schedule can be generated automatically on line at e-Tax / e-Customs Board.

Pension contribution payments towards funded pensions are suspended by the state from 1 July 2020 until 31 August 2021 and employees may also decide to suspend their contributions in the period from 1 December 2020 until 31 August 2021. This arrangement would, however,

not affect the employer's tax liability, since pension contributions are withheld from the gross amount paid to the employee.

In addition to the above, the minimum social tax payment has been temporarily waived from 1 March 2020 until 31 May 2020.

Currently, there are no other changes to salary taxation and all regular tax and social security payments are still due.

## 10 Other points

Practical information regarding coronavirus related measures is available in the [webpage of the Estonian Government](#). In addition, recommendations of public authorities are available [here](#).

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# Finland

Last updated:  
7/5/2020

## 1 Restrictions on daily life

The schools in Finland have been closed, with some exceptions regarding younger students. The early childhood education has been open to all who need but where possible, the government has recommended keep small children home. However, the government has made a decision to open schools and daycare from 14 May 2020 onwards.

The government has closed Finnish borders to travel in and out of Finland, excluding work travel and transportation of goods. The borders of the region of Uusimaa were temporarily closed for two and a half weeks to contain coronavirus. All restaurants, cafes and bars are closed to visitors until the end of May, but can prepare meals for take away.

The Finnish government advises that all work should be carried out remotely if possible. 14 days' self-quarantine is mandatory for people returning to Finland from abroad. All leisure travel inside Finland should be avoided, and public gatherings of more than ten people are prohibited. The government has instructed people to limit unnecessary social get-togethers and stay home. Individuals older than 70 are instructed to stay home.

In accordance with government policy, it is prohibited to organise large public events (more than 500 people) until 31 July 2020.

## 2 Resuming activity

The government is currently negotiating to ease the restrictions. Commuting and other necessary travel is permitted in the Schengen area from 14 May 2020 onwards. As of 1 June 2020, the restriction regarding public gatherings will be raised up to 50 people and public indoor spaces, such as museums, theatres and sports centres will be gradually opened. Restaurants, cafes and bars are permitted to be open for visitors with certain restrictions as of 1 June 2020. The gathering restrictions must be followed.

Remote work is still strongly recommended. However, it is up to the employer to decide whether the employee's tasks can be carried out remotely from home. This means employees cannot refuse to work at the workplace and the refusal could be considered an unauthorised absence. The official instructions and gathering restrictions should be followed if the employer requires employees to perform work at the workplace.

You should ensure that all employees are aware of good hygiene practices as recommended by the Finnish Institute for Health and Welfare. Plan and prepare in advance for a situation where a growing number of employees get sick, and how remote work and extra staff can be organised. You should keep employees informed of the workplace strategy against coronavirus and instruct any

employee with symptoms to contact occupational health care.

## 3 Data privacy and the use of apps

### *Protecting privacy*

Employers are not permitted to process information regarding employees' health as it is covered by the GDPR. Only occupational health may keep a register of illnesses. You cannot ask an employee any health-related questions, but you can enquire about employees' travel destinations, as long as no medical information is requested.

Employees have a right to privacy for health-related information, and can refuse to tell you that they are infected. However, employers will receive information from occupational health on whether an employee is infected if he or she is tested. You cannot name the infected employee or disclose information to third parties and can only inform other employees about the infection in general terms.

You can request that an employee undergo a physical examination. These must be performed by a medical professional and in accordance with law. The employee may face consequences if he or she does not comply with the request. Sick employees may be allowed to stay at home if they decide to, i.e. without a request to visit a doctor for a

medical certificate during their first days of sick leave.

If there is an obvious risk of the spread of a generally hazardous communicable disease, a competent physician may order a person into quarantine for a maximum of one month. The quarantine is not a legitimate reason to terminate employment.

#### ***Tracing apps***

The implementation of tracing apps is currently being prepared by the government. Fundamental rights, data privacy and data protection would be taken into account when creating the app and its back-end system. The app would not use any location data. The use of the app would be voluntary and processing of data would be based on consent.

The app under preparation is not related to employment relationships. It would be problematic if the employer received information collected through the app as it can only process information that is necessary for the employment relationship. For instance, the employer is not entitled to gather and process information about employees' free time. This means employers' own apps would be problematic in the first place. You could only recommend the use of these apps and ask employees to inform you if they have been exposed or infected.

Employers cannot unilaterally stop the payment of salary. If an employer denies

access to workplace, the normal rules regarding payment of salary apply. This means the employer is obliged to continue paying the salary unless an employee has been placed in quarantine by authorities.

## **4 Pay and leave**

### ***Sickness and quarantine pay***

When on sick leave, employees have a statutory right to pay for a certain amount of days. The employee must inform his or her employer of the sickness and provide a doctor's certificate if asked to do so.

If the employee is placed in quarantine, the employee may be entitled to pay if he or she has the ability to work remotely. If the employee is not able to work remotely, he or she may be entitled to a communicable disease allowance under the Communicable Diseases Act. If employer choose to pay the employee regardless, employer may be able to apply for reimbursement from the Social Insurance Institution (Kela). To be eligible to receive the allowance or reimbursement, the employee must have officially been placed in quarantine. As testing for coronavirus in Finland is currently selective, many employees will not be tested for the virus and will therefore not be eligible to receive the allowance.

### ***Temporary pay support***

An employee who is absent due to coronavirus without salary may now apply for temporary support. The temporary support is paid if the loss is not covered by another law, such as the Communicable Diseases Act. The temporary support is paid only if there is an agreement between the employee and the employer regarding the unpaid absence.

There are certain temporary amendments in the legislation on unemployment benefits.

- The number of the weeks the employee must have been employed to be entitled to the unemployment allowance have been reduced from 26 weeks to 13 weeks.
- The waiting period (five days) for unemployment allowance has been removed and thus, the employee is entitled to receive the allowance already from the first layoff or unemployment day.
- The unemployment allowance paid during the layoff is not counted in the maximum payment period for the unemployment allowance.
- The unemployment allowance is paid also when the employer and employee agree on temporary lay-off.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Employers may choose to close the workplace, but in most cases, must continue paying salary to the employees.

### *Layoffs*

Employers can use layoffs if the work available has been materially reduced for a temporary period of time due to coronavirus outbreak and the employer cannot reasonably provide the employee with other suitable work or training. Layoffs may be full or partial (reducing working hours or days). For layoff periods, the employer pays only the work performed and the employee is entitled to an allowance from the unemployment fund.

### *Other measures*

Generally employers can decide the timing of the employees' annual leave on its unilateral decision. However, this is possible only during the holiday season from 2 May until 30 September. During this holiday season, the employer may require the employees to take their holidays.

Employers cannot unilaterally change material terms of the employment contract such as the salary or working hours: changing the terms unilaterally requires collective grounds for

terminating the employment. In this case, the change of the terms should be an alternative for terminating employment. The employer and employee may always mutually agree on changing the terms of the employment. This may affect employee's right to receive unemployment allowance as it is often considered that the employee has contributed to his/her unemployment. However, as mentioned above, the employee is entitled to unemployment allowance if he/she mutually agrees on temporary layoff with the employer. The reduction of working hours can also be carried out by partial layoff if the work has temporarily diminished and the employer cannot offer other work or training.

If an employee is prevented from performing his/her work due to an exceptional event beyond the control of the employee or employer, the employee is entitled to be paid up to 14 days. The coronavirus outbreak may be considered as such event but it must be assessed case-by-case.

### *Restructuring*

Employers can dismiss employees on financial or production-related grounds if their work has materially and permanently diminished and the employer cannot provide the employee other suitable work or training. The employer cannot recruit another employee to perform the same or similar duties just before or shortly after the termination, unless the circumstances have materially changed.

Prior to making decisions on contemplated layoffs or dismissals on financial and or production-related grounds, the employer must enter into co-operation negotiation procedure with the employees (or their representatives). The Finnish government has temporarily shortened the minimum negotiation and notice periods regarding layoffs. Employer can now also layoff a fixed-term employee. These temporary amendments are in force until 30 June 2020.

Due to the pandemic, immediate termination of employment during a probationary period is possible on collective grounds. Further, the re-employment period for redundant employees who have received a notice of termination prior to 30 June 2020 is extended to nine months (normally four to six months). These amendments are also force until 30 June 2020.

## 6 Travel

The Finnish authorities recommend that travelling abroad should be avoided until further notice. Employer should control unnecessary business travel. Employer can ask employees who have been travelling to work remotely, even if they do not have any symptoms of coronavirus. Currently, necessary work travel within Finland is not restricted.

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## 7 Discrimination

Any unfavourable acts against the employee due to being infected or having an infected family member is strictly prohibited and constitutes discrimination.

## 8 Reporting to the authorities

The GDPR covers health information such as symptoms of illness, and processing of this information is in principle prohibited. Only occupational health may keep a register of illnesses. Physicians must notify the National Institute for Health and Welfare of suspected or diagnosed cases of generally hazardous or monitored communicable diseases, and this overrides confidentiality provisions.

## 9 Emergency laws and the implications for businesses

The Finnish government has earlier declared a state of emergency due to the coronavirus epidemic. However, the government is now gradually easing the lockdown and related restrictions, see above.

The government has enacted many measures to support businesses, for example direct financial support and relaxing the terms of tax payment arrangements. Employers' pension contributions have been temporarily reduced and upon request, the term of payment can be prolonged. The

government has also introduced measures of financial support (e.g. loans and pledges) to businesses, which apply to gig workers who operate under a commercial name.

## 10 Other points

It is advisable, that employers take all measures necessary to protect the wellbeing of their employees. Employers are obliged to ensure the wellbeing and work safety of employees working remotely, for example by monitoring working hours, ensuring the employee has all necessary working equipment and that the employees receive necessary guidance for their work.

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# France

Last updated:  
13/5/2020

## 1 Restrictions on daily life

France was on lockdown between 17 March and 11 May.

From 11 May shops can reopen. Bars, cafés and restaurants remain closed, as well as sports halls, party halls, major museums, cinemas and theatres. Shopping centres of more than 40,000 m<sup>2</sup> may be closed if they generate too much population movement. Shopping centres in the Paris region of this size are closed for this reason. Gatherings of more than ten people remain banned for the time being, and events with more than 5,000 people are prohibited until 31 August.

Travel for more than 100 km (flight distance) from home will only be possible for compelling family or professional reasons, except within the same 'département'.

## 2 Resuming activity

The French Government has drawn up a 'National deconfinement protocol for companies to ensure the safety and health of employees'. This document has no binding legal force but serves as official recommendations that companies must implement in practice.

In summary, these recommendations are as follows.

### *Organisation of work*

Remote work should continue to be the rule wherever possible. When this not possible, the company must organise the respect of the rules of social distancing:

- A physical distance of at least one metre between each employee (i.e. 4m<sup>2</sup> without contact around each person);
- The maximum density in work premises must be 4m<sup>2</sup> per person, possibly achieved by reorganising premises, functions and/or work schedule;
- Circulation plans must therefore be implemented to ensure that the minimum physical distance is respected, whether in enclosed and cramped areas or in open spaces.

As a general rule, the wearing of masks is not compulsory in the workplace. The 'general public' mask (made of fabric and washable) is a complement to barrier measures but cannot replace compliance with the various measures, including physical distancing rules. If, despite the implementation of all of the measures above, compliance with the physical distance of one metre between two people (customers, colleagues, service providers, etc.) cannot be guaranteed, the wearing of a mask will be compulsory.

In addition, it is advisable to regularly (every three hours) ventilate closed rooms for 15 minutes and regularly

disinfect objects handled and surfaces, including sanitary facilities.

### *Tests*

In the current state of health regulations of the public authorities, temperature control is not recommended: it is not compulsory and the employee is entitled to refuse it. If the employer, faced with such refusal, does not allow the employee to take up his post, he may be required to pay him the wage corresponding to the lost working day. However, all individuals are invited to measure their temperature themselves in the event of a fever and, more generally, to monitor themselves for the appearance of any symptoms that might suggest coronavirus infection.

Biological or serological screening campaigns organised by companies for their employees are not authorised.

### *Employees with symptoms*

You should ask anyone showing symptoms not to go to the workplace. Encourage them to consult a doctor without delay, to be tested on the doctor's prescription and to isolate themselves. The same applies to individuals who have been in close contact (less than one metre for more than 15 minutes) with the potentially infected person.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Any employee activity control system must be subject to consultation with the social and economic committee, employee information requirements and must comply with the regulations on personal data in the GDPR. In particular they must be justified by a legitimate purpose that is proportionate to the objective sought.

#### *Tracing apps*

A computer application for the public to inform individuals that they have been in close proximity to persons diagnosed positive with coronavirus is being developed by the Government. It is expected to be released early June and should be the subject of a future law. Use of this application will be on a voluntary basis and it will not record personal or geolocation data. As of today, we would not encourage employers to use this type of application.

The CNIL, the French data protection authority has issued an opinion on the 'StopCovid' mobile application project (in French) [here](#).

### 4 Pay and leave

#### *Sickness and quarantine pay*

Sick employees are compensated by social security. Enhanced compensation measures apply for employees on sick leave because of the coronavirus (including those whose health is particularly vulnerable and who are unable to come to work because of the increased risk of coronavirus for them). Similar provisions apply to employees in quarantine, which is treated as sick leave, and those who have to take care of children and cannot work for that reason.

#### *Temporary pay support*

The government has set up a massive plan to support employment, through a mechanism known as 'partial activity' (formerly 'technical unemployment'):

- The employment contract is suspended in whole or in part.
- Employees receive an allowance for hours off work (70% of lost pay, which is 84% of take-home pay).
- The company applies to the State for payment of aid in accordance with the rules laid down by law.

The State covers the entire cost of the allowances paid to employees for partial activity (with reference remuneration capped at 4.5 times the minimum wage, i.e. around EUR 6,850). This plan (and

aids for employers) may decrease from June onwards.

### 5 Reduction of activity and restructuring

#### *Reduction of activity*

You do not have the right to require employees to agree to a reduction work hours and salary. Nor can you impose unpaid leave on employees. Recent measures enable:

- A collective agreement to impose the taking of paid leave up to a maximum of one week.
- If it is in the interest of the company to do so in view of the economic difficulties linked to the spread of coronavirus, the employer can also unilaterally impose a requirement to take 'reduced working time' (RTT) days.

The total number of days affected by these two measures may not exceed ten.

#### *Restructuring*

Employers can consider restructuring. The length of the consultation depends on the number of employees in the company in question, the number of redundancies envisaged, and whether there is a Social and Economic Committee.

As a general rule, for companies envisaging more than ten redundancies, it is safe to say that between the start of the consultation process and the first dismissal letter being sent out, the timeframe will be between three and five months depending on the number of redundancies envisaged. Failure to comply with consultation requirements is a criminal offence punishable by a fine, both for the legal entity and the individual responsible for conducting the consultation process.

Works councils or trade unions cannot impose restrictions on restructuring but can pressure the employer not to start such a process and threaten to make it public, which would create a reputational risk.

The Labour Administration has to approve the proposed social plan for redundancies eventually (for companies with 50+ employees envisaging ten or more redundancies). The Government issued guidance to the administration to be very strict in their examination of the employer's case, which could likely lead to a rejection of the employer's application.

In the current context, there are only restrictions on restructuring when employers renew their initial request to get their employees' wages partly paid by the State. If a renewal request is made, employers may be requested to commit to retain employees whose wages were paid by the State for a certain period of

time, to be negotiated with the public authorities. However, most employers are not in this situation as they have just made their first request for indemnification, in the context of the coronavirus-related enhanced indemnification scheme.

More generally, there is very strong pressure from governmental authorities not to make employees redundant during this period, especially for the companies that were granted subsidies from the State in the context of the above-mentioned indemnification scheme.

## 6 Travel

### *Inbound travel*

As part of the implementation of the emergency health situation in France, restrictions have been placed on entering Metropolitan France and its territorial communities. The restrictions will remain until at least 15 June.

European Union citizens, and nationals from the United Kingdom, Iceland, Liechtenstein, Norway, Andorra, Monaco and Switzerland, their spouses and children can return to France, as well as citizens of the Holy See and San Marino, their spouses and children, if they are French residents or if they are travelling through France to return to their residence. Foreign nationals with a valid residence permit, including a long-stay

visa valid as a residence permit, can enter France.

In addition, the validity of documents authorising stays in France has been extended for 90 days (order No. 2020-328 of 25 March 2020).

In limited cases (particularly the transport of goods), foreign nationals with a short-term visa may be authorised to enter France.

All travellers are required to fill out and carry with them travel certificates (known as 'exempted movement certificates') according to their situation.

A recent law makes entry to French territory for individuals who have travelled during the previous month to an area where infection is circulating (the list will be specified by an executive order) subject to quarantine (for an initial period of up to 14 days, which may be renewed up to a maximum of one month).

### *Outbound travel*

The exemption on the prohibition on movement described above, include the right to travel between home and place(s) of work and business trips that cannot be postponed. If they meet these conditions, trips outside France may theoretically be considered.

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However, the risk of having to justify the impossibility of postponing the trip, the immigration restrictions that exist in many countries against individuals who have recently resided in France, the possible difficulty in being readmitted to the national territory after a stay in a foreign country and the virtual absence of transport (planes, trains) may constitute a significant practical obstacle.

## 7 Discrimination

The Labour Code prohibits discrimination on the basis of health status. This prohibition obviously applies to people with coronavirus.

## 8 Reporting to the authorities

An infection that occurs during work (in the workplace, during a work trip or assignment, etc.) is potentially an accident at work ('AT'). In case of doubt, you must declare an AT to the health insurance administration (Caisse Primaire d'Assurances Maladie, 'CPAM') as a precautionary measure within 48 hours of becoming aware of it, as far as possible.

## 9 Emergency laws and the implications for businesses

Parliament passed an emergency law authorising the Government to take measures without a vote in Parliament ('ordinance'). The Government has already issued an important series of

texts (suspension of measures; simplification; adjustments; provisional rules and deadline extensions) and is due to continue in the coming days.

Exceptionally, companies can defer all or part of the payment of social contributions and taxes for up to three months without penalty.

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# Germany

Last updated:  
8/5/2020

## 1 Restrictions on daily life

For many food and hospitality businesses, precautionary lockdowns have been ordered by the health and safety authorities. Meanwhile retailers were allowed to open their businesses under strict hygiene rules (including wearing face-masks). While there is no general lockdown, Germany has issued a 'soft' lockdown, generally prohibiting gatherings of more than two people outside of those living in one household or family, some federal states allow gatherings of more people. Where possible, a physical distance of 1.5 meters must be observed between people. Face masks must be used on public transport. Given the federalist structure of Germany, the steadily progressing developments of the coronavirus situation and corresponding restrictions on daily life ongoing changes should be subject to an ongoing diligent review.

## 2 Resuming activity

In a highly contagious pandemic context, you cannot rely on 'general' prevention measures taken previously. The German Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales) has adopted a SARS-CoV-2 Occupational Safety and Health Standard ('SARS-CoV-2-Arbeitsschutzstandard') which set out feasible guidance on potential measures that employers can implement in order to ensure compliance

with the statutory health standards. Generally, two clear principles apply:

- Where there is doubt whether the minimum physical distance of 1.5 meters can be observed, face masks covering the wearer's mouth and nose must be provided to and worn by employees.
- Employees with breathing symptoms or with an elevated temperature should not be allowed on work premises. Employers must establish a procedure (such as in an infection emergency plan) for managing any suspicious cases.

Measures such as ramping up hygiene levels, cancelling unnecessary personal meetings and restrictions on business travels should be considered as well as re-arranging of workplaces in order to observe the set physical distance of 1.5 meters. Where necessary the installation of (transparent) dividers (especially in places frequented by the public), working from home etc. should be considered.

Please note that occupational health and safety generally depends of the specific situation and circumstances of the individual business. Therefore, there is no 'one size fits all' solution. Rather, relevant occupational health and safety measures need to be assessed and implemented on a case-by-case basis considering each business's individual situation.

Other general advice is listed below.

Send sick employees home immediately and notify the authorities and any potential contacts. Consider a (partial) closure to preempt authority-mandated full closures.

Draw up emergency action plans, including communications to employees to avoid spreading panic. A single case of infection does not entitle all other employees to refuse work and still be paid. You have a duty to inform employees about risks of infection and illness, especially if there are concrete risk indications.

In an 'unforeseeable emergency', employees are obliged to work overtime based on their general duty of loyalty.

External visitors should be asked about potential risk factors, and this should be communicated to employees to create an atmosphere of managed risk.

Employees must inform you if they are infected or have recently travelled to a high-risk area based on their duty to prevent damage to you and their colleagues. This includes providing information about close relatives or other contacts who are ill or about private trips to official risk areas. An employee would be in breach of their contract and risk severe consequences (from contractual sanctions to damage claims) if they do not tell you they are infected.



You cannot force an employee to get tested for coronavirus.

Follow governmental advice, especially any updates from the Federal Ministry of Health (and by extension, the Robert Koch Institute).

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Sensitive personal data (particularly health data) of employees is regularly collected and processed when dealing with a pandemic, particularly in connection with prevention measures or further education and protection measures in the event of infection.

However, the collection and processing of employees' health data is subject to strict pre-conditions and is generally only allowed where collection and processing is necessary for the employer to fulfil its statutory obligations. In practice, the question of whether this data may be collected and processed or not is subject to a proportionality test, taking into account the specific health risks for the employer's workforce and the degree to which the data is necessary for the employer to take proper action against those risks. For example, before a medical examination is offered and carried out, the employer will first be required to carry out a survey to identify any infected contacts. Minor and non-

specific reasons (e.g. concerns that are not specific to the employer's circumstances) do not justify general data collecting or processing.

Where health data is collected and/or processed, this data must further be separately protected by organisational and technical measures, in particular to prevent any potential misuse.

#### *Tracing apps*

Employers have no legal basis to force employees to install any tracing app, as less intrusive measures can be taken to detect infections and assess risks. The introduction of an app may only be implemented on a voluntary (mutual agreement) basis.

### 4 Pay and leave

If employees cannot work because of an unforeseeable 'care emergency', they have a right to paid time off work under statutory law. However, claims for continued payment of wages may be restricted by the employment contract or collective agreements. If an employee's child is ill and requires care, they may have a statutory claim for continued payment of wages for up to ten days, again unless this is expressly excluded or regulated differently, for example in the employment contract.

Fear of infection does not entitle employees not to come to work. You can

only order employees to work from another place (home or other) if their contracts or applicable collective agreements allow it.

#### *Sickness and quarantine pay*

Employees are generally entitled to six weeks' sickness payments from their employer, after that they may be entitled to statutory payments. Contracts may specify longer sickness payments. These payments would only be in doubt where the employee is at fault, for example, having intentionally travelled to a known risk area without a good reason. If you send an employee home as a precaution, you must continue to pay them.

The authorities can issue employment bans or order the observation or quarantine of certain individuals. Employees will not be entitled to continued pay for bans based on a mere suspicion of illness.

Employees with coronavirus or confined to quarantine may be entitled to statutory compensation. This will depend on a number of factors.

#### *Temporary pay support*

Germany has amended a government support scheme in the light of coronavirus. Under the short-time working scheme, employers must find a legal basis to reduce their employees' working time (e.g. works agreements or amendments to the employment contract)

up to a maximum of zero working, which triggers a corresponding reduction in salary. Employers can then file for state benefits which cover roughly two thirds of the net loss in salary for the employees. The scheme is limited to staff fully insured in the German social security system.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

If necessary, you can decide to shut down operations or only keep certain departments open. In this case, employees are entitled to salary payments if they cannot work remotely. Consider making use of holidays, flexitime accounts or short-term work to mitigate the effects of such a closure. In general, employers cannot require employees to agree to a reduction in working hours and salary.

Employers affected by authority closure orders or by pandemic-related supply bottlenecks or declines in demand must investigate methods to deal with the burden of not being able to employ staff but having to pay their wages. As a result, many employers make use of a government benefit scheme simplified in the light of coronavirus: short-time working (see 4 above). In addition delaying salary payout dates and pay increases, and attempting to lease out unutilised staff to industries in need of

labour are common strategies. These are typically implemented by mutual agreement with employees.

### ***Restructuring***

Employers can envisage restructuring.

General restrictions regarding restructurings apply if the company has committed to restrictions in collective or individual agreements.

Specific restrictions also apply if the company has introduced short-time work for all or part of its workforce due to a 'temporary reduction of working time'. Staff reductions are still possible, but must be based on a different business decision and objective.

Works councils and unions can request a freeze on staff reductions in the course of negotiating other crisis measures (e.g. short-time work) and make this binding in the context of a collective agreement. If these restrictions were agreed with the company, works councils and unions can enforce them.

A workforce reduction will take three to six months, in some cases up to nine or 12 months if employee representatives take all possible measures to delay the process.

Improper consultation may have an impact on the validity of terminations and may lead to individual entitlement to compensation.

## **6 Travel**

Employees cannot generally refuse to work (and by extension, travel for work) because of a fear of infectious diseases. However, you must exercise your duty of care and not instruct employees to take business trips that are unreasonably unsafe. You cannot prevent private travel, but can ask about travel to risk areas and take appropriate measures based on the response.

## **7 Discrimination**

Employees may not be discriminated against simply because they belong to a specific nationality or ethnicity which, for example, is associated with one of the known risk regions. Normal rules apply.

## **8 Reporting to the authorities**

Coronavirus infection triggers an obligation on you to notify the authorities. Medical staff and heads of community bodies must also report any infectious diseases. These statutory reporting obligations justify the processing of employee health data, although normal data protection principles apply.

## 9 Emergency laws and the implications for businesses

Crisis legislation outside of new state benefit scheme (see 4 above) includes a relaxation of the requirement to file for bankruptcy, emergency benefits and loans, benefits for small businesses, and credit debt deferrals. As court hearings are postponed or cancelled altogether, it is becoming more and more difficult to enforce legal positions unilaterally.

operations again as the business need requires. The crisis measures taken now should allow for such a flexible return to business as usual.

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## 10 Other points

Due to the current fear of infection, many normal processes are currently delayed or do not function properly. Works councils no longer meet to take resolutions (or meet digitally, which calls into question the validity of their resolutions). Conciliation bodies no longer convene. Court hearings are postponed or cancelled altogether, making it increasingly difficult to unilaterally enforce measures during a crisis. Employers are well advised to take into consideration a good relationship with their employee representatives at this time.

You should take this situation as an opportunity to make sure your crisis preparation plans are updated, and that arrangements exist to allow you to react flexibly to this type of event in future to minimise business impact. Furthermore, with a view to a coming economy upturn, a plan should be put in place to scale up

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# Greece

Last updated:  
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## 1 Restrictions on daily life

Schools in Greece are currently closed and mass assemblies are prohibited. Services for religious worship of any religion are also suspended and are expected to resume on 17 May. Churches remain open for individual prayer only.

The suspension of commercial and other activities is being gradually lifted. On 4 May retail stores (selling computers, telecommunications and sports equipment, books/newspapers, flowers and optical stores) as well as hairdressing, beauty salons and technical service of vehicles (KTEO) have gradually started operating again. On 11 May, other retail stores, as well as open markets, driving schools, zoos, parks and archaeological museums will reopen.

Malls, restaurants, cafes, hotels operating all year round, cinemas and other services are still suspended but on 1 June, it is expected that they will be allowed to resume.

Stores' operating hours have been altered. Retail stores begin operating at 10 a.m., supermarkets operate from 07:00 to 21:00 and hairdressing and beauty salons may extend their operating hours from 07:00 to 22:00. To cover these working hours, the new Legislative Action (the 'Law') states that, for a maximum of six months from the date of entry into force of the Law, employers that have already exhausted the legally

prescribed overtime limits of their employees may employ them overtime without the relevant approval of the Ministry of Labour and Social Affairs.

The government has temporarily banned seasonal tourist accommodation and the Ministry of Tourism has announced that only one hotel will operate per regional unit. It is anticipated seasonal hotel activity will resume after year-round hotels, see above.

## 2 Resuming activity

As businesses gradually reopen, employees will be required to resume work and employers will have to withdraw the suspension of a certain percentage of their employees, see 5 below.

To prevent the spread of the virus, the following rules apply:

- mandatory use of a mask,
- measures to maintain a maximum ratio of individuals per certain area and minimum distance between them,
- personal hygiene and protection measures,
- special operating rules.

Specifically, businesses in general must schedule customer appointments to avoid overcrowding. Employees (e.g. employees in hairdressing salons) and customers should wear masks. In

enclosed spaces, the use of masks is obligatory for everyone. Businesses must display the number of people allowed in the premises at a time. A customer per 15 M2 is recommended in all food stores, a distance of 2 meters between customers and queues of no more than five people. Also, a certain number of customers is allowed per square metre: for 20 M2, four people.

Violating these measures is subject to an administrative fine of at least EUR 150, EUR 1,000 for businesses, imposed by the competent authority.

If you employ workers who have coronavirus symptoms or have been exposed to family members with symptoms reported by the National Public Health Organisation (EODY) you must recommend they remain at home, and accept that they refrain from their work duties as soon as you become aware of this to protect the worker's health, that of his or her colleagues and third parties in the workplace. It is recommended you follow the disinfection guidelines listed on the [EODY's website](#) (section: 'Guidelines for the Environmental Cleaning of Non-Sanitary Units Exposed to SARSCoV-2 Virus').

You may decide that the work provided by an employee on site provided for in his or her employment contract can be carried out remotely (teleworking) if this is feasible, providing him or her with the necessary equipment.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Employers are not generally entitled to request employees provide detailed information on all their personal travel, because this falls within the scope of employee's privacy. However, within the framework of protecting employees' health and with regards to the 14-day mandatory quarantine at home of anyone entering Greece, it is reasonable to ask employees to inform you if they travel to regions considered to be a source of the coronavirus outbreak.

An employee must immediately report all situations that present an immediate and serious risk to their safety and health, to help you fulfill your health and safety duties and requirements. There is only a general obligation to report, without any more specific detail regarding the coronavirus infection.

You can require a medical check for employees accessing the office, with the consent of employees' representatives or after a meeting with the employees' Health and Safety Commission (if there is one). Please note that the representative(s)' or commission's decision should be backed up with reasons and follow consultation with them. Any medical check should comply with the principles of respect for human dignity and be carried out individually. If the organisation has an occupational

doctor, he or she can examine the employee(s) upon return to work. In any case, the organisation's occupational doctor keeps a medical record for each employee. The medical record includes an individual Occupational Risk Booklet, which records the results of medical and laboratory examinations each time an employee is subjected to them.

#### *Tracing apps*

Under the GDPR and Greek law, systems to monitor employees are not permitted. This applies to tracing apps, when they are installed in order to assess employees' professional efficiency. Where not needed to protect employees' safety and not justified by the nature of the work and the company's needs, mandatory installment of a tracing app would severely violate employees' privacy. Employers ability can only monitor employees' notifications in exceptional circumstances and only when necessary to defend the legitimate interests of the employer (e.g. criminal activity).

In the exceptional event that an installation of an app could be justified by the interests of the company and the employee does not comply with it, the employer should provide this particular employee with alternative means and not resort to preventing them from coming to work, or refuse to pay their salary.

### 4 Pay and leave

*Special Purpose leave:* Parent employees, in both the public and private sectors are entitled to two weeks' leave until Friday 10 April to take care of their children during the schools' suspension. This leave requires at least one parent to work in the private sector as an employee, even if the other parent is self-employed.

Employees who have at least three months' service are entitled to the full special leave. New recruits with less than three months' service are entitled to special purpose leave in proportion to their days of normal leave. The special purpose leave is for a minimum of four days, one of which is treated as regular leave (that is, deducted from the employee's total annual allowance) and the other three are 'special' coronavirus leave, which is fully remunerated and not deducted from regular employee's leave, but paid two-thirds by the employer and one-third by the state. This leave may be extended by ministerial decision depending on the spread of the coronavirus. The employer is required to declare employees making use of this leave, and its duration, after 10 April 2020 and in any event until 15 April to the Ministry of Labour's 'ERGANI' Information System.



### ***Sickness and quarantine pay***

Businesses that are not subject to a mandatory temporary ban are entitled to require employees who, for business or personal reasons, travel to contagious areas, to stay out of offices or other sites for health and safety reasons. However, you must pay employees' salary for the period that these precautionary measures remain in force. You must also provide all employees subject to these measures with the suitable means and IT equipment (i.e. laptop, mobile phone etc.) to work remotely. Otherwise, employees can reject working from home and request their usual pay. In this case, you could suggest employees take paid leave, in addition to their annual paid leave entitlement. In most cases it is expected that employees would consent to temporarily working from home.

### ***Temporary pay support***

Employees whose employment contracts are suspended, and those who were forced to resign or dismissed after 1 March 2020, regardless of whether they are eligible for unemployment benefit, are entitled to an exceptional financial allowance of EUR 800 from 15 March to 15 May, with full social security contribution coverage, calculated on their nominal wages. This is tax-free and cannot be seized or offset. Workers' social security contributions are covered by the state budget. Employees who return to work after 15 May will not be entitled to a second payment but

employees of businesses that remain closed by official order will be entitled to a second payment.

For the period an organisation makes use of this measure in exceptional circumstances, it is expressly forbidden to terminate the employment contracts of all their staff and any dismissal made on or after 18 March 2020 is invalid.

Employers who are subject to, or have been subject to, a temporary restriction following a public authority order, must submit a statement to the ERGANI Information System declaring the suspension of their principal business activities; workers whose employment contracts are suspended; and any employees whose employment contract has been terminated from 1-20 March 2020 either by dismissal or voluntarily. Employers who fail to declare suspended employees cannot benefit from installments or partial payment facilities of any type of certified debt to the state.

Employees of the employers referred to in the previous paragraph must submit an individual statement on an electronic platform kept for this purpose by the Ministry of Labour and Social Affairs declaring their personal information, bank account information (IBAN), and the details of their employer to be included in the special support mechanism. If they rent a house, they should also provide lease information, as they are exempt from the obligation to pay 40% of the total rent for March and April 2020.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

According to the latest rules, employers substantially affected by the coronavirus crisis that have already suspended employees' employment contracts can extend this suspension for up to 60% of their employees' contracts for a maximum period of 30 days and no later than 31 May 2020. Employers may withdraw the suspension of employment contracts for at least 40% of their employees, whose contracts have already been suspended (Legislative Act no. 1483/01-05-2020). These employees cannot be suspended again.

Until May 31, these employers cannot make any staff redundancies so any contract terminations should be regarded as invalid. The obligation to retain the same employees in the same working positions still exists.

For employers in the private sector whose operation is suspended by official order in May 2020, the suspension of employment contracts is extended for as long as their operation suspension is maintained. These employees are entitled to a state financial assistance.

Temporary withdrawal of the suspension of the employment contracts is allowed for emergencies, urgent, non-deferred and inelastic needs.

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During this withdrawal, the employer must pay employees their contractual earnings pro-rated for working days.

Employees' working hours may be temporarily adjusted but the type of employment contract of the specific employees must not be changed.

During the lockdown, some businesses substantially affected by coronavirus but not suspended by state order, impose a work rotation system to respond to the reduced working hours. Others suggested that employees take their annual leave and stay at home.

In the event of the mandatory temporary closure in accordance with a Government Mandate, the employment relationship is completely suspended, in accordance with the Greek Civil Code. This means employees are not obliged to provide work and the employer is not required to reimburse the salary and the social security contributions for the period of the ban.

A joint ministerial decision is expected explaining in detail how the new measures will be implemented.

### ***Restructuring***

As described above employers can extend the suspension of employees' employment contracts and during this time, termination is not allowed.

## **6 Travel**

According to the latest government measures, passengers that travel to Greece will be put in quarantine at home for 14 days. Anyone who infringes this measure will be subject to an administrative fine. Transport of passengers by ferry between Greece and Italy is suspended. Freight transport between these countries will continue unaffected. Cruise ships are forbidden to dock in all Greek ports. Road, sea and air links to Albania and Northern Macedonia, with the exception of freight transport and entry into the country for Greek nationals or residents are closed. The government has cut all air links with Spain. Entry of non-EU citizens is forbidden unless travelling for severe family or work-related reasons.

## **7 Discrimination**

No specific considerations.

## **8 Reporting to the authorities**

No measures currently in place.

## **9 Emergency laws and the implications for businesses**

The operation of courts and prosecutors was from 13 March to 10 April 2020. Most have now resumed but physical presence at hearings is still prohibited.

Employers who are severely affected by the coronavirus outbreak, as well as those whose operation is temporary banned by Government Mandate are entitled to certain special financial arrangements, including suspension of social security contribution payments for February and March, for three months, without interest and surcharges on affected employees, suspension of payment of regulated debts to social security and the suspension of expiration, appearance and payment deadlines from 30 March to 31 May 2020 on securities due for 75 days from the date stated on each security.

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# Hong Kong

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## 1 Restrictions on daily life

In light of the relatively stable Covid-19 situation in Hong Kong, a number of the restrictions in the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation have been eased from 8 May 2020. This Regulation empowered the Secretary for Food and Health (SFH) to prohibit group gatherings of more than four people and a second direction of the SFH required the closing of 'scheduled premises', such as amusement centres, bathhouses, beauty parlours, bars, nightclubs and massage establishments.

Group gatherings of up to eight people in public places and catering establishments are currently allowed. Bars, fitness centres, beauty salons, massage establishments and most places of public entertainment can resume with some restrictions. Bathhouses, party rooms, nightclubs and karaoke lounges are to remain closed for at least another two weeks. It has also been announced that reusable masks will be provided to all Hong Kong residents.

Larger exempted group gatherings include those: for purposes related to transportation; for performing any governmental function; at places of work for the purposes of work; for providing, obtaining or receiving healthcare services at a healthcare facility; of individuals living in the same household; for proceedings in court or in the Legislative Council or a District Council; during a

funeral; and for a wedding ceremony where there are no more than 50 people (no food or drink can be served).

A Direction issued under the Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation of 27 March imposes requirements on all catering premises including temperature screening, provision of hand sanitiser and measures to ensure social distancing. These requirements commenced on 28 March and have been extended to 21 May.

Contravention of the requirements is subject to a maximum fine of HKD 50,000 and imprisonment for six months.

## 2 Resuming activity

Throughout the pandemic, the Hong Kong Government has not imposed general restrictions on private sector employees attending work but has suggested that employers should allow employees to work from home where possible. Civil servants and government officials were directed to work from home; this measure has now been lifted.

With the easing of restrictions, it is expected that private sector employers who have placed employees on work from home arrangements will lift these arrangements and slowly resume normal operations. No specific obligations have been imposed but employers should remember they are legally required, so

far as is reasonably practicable, to ensure the health and safety of all employees at work. Simple precautions should be taken such as requiring employees to wear masks, screening temperature, carrying out regular disinfecting and cleaning, and encouraging the regular use of hand sanitiser.

Generally, employees cannot refuse to return to their place of work, however, they may lawfully do so if they reasonably fear for their health and safety. This may be the case where it has been confirmed that another employee contracted the virus, but the workplace has not since been professionally cleaned or disinfected.

## 3 Data privacy and the use of apps

### *Protecting privacy*

No regulation currently compels or prohibits employers from conducting coronavirus testing or from requiring employees' disclosure of infection status. Collection, retention and use of employees' personal data is subject to the Personal Data (Privacy) Ordinance (PDPO). Under the PDPO, employers should not collect personal data, especially health data, more than is necessary. Whilst the Privacy Commissioner has acknowledged that there is legitimate basis for employers to collect additional data of their employees to help control the spread of the disease,

the collection and processing of employees' personal data should be limited in both duration and scope. Any data collection must respect the principles of minimisation, purpose specification and use limitation. The Privacy Commissioner emphasised that a self-reporting system is preferred to a mandatory system where health data is collected indiscriminately.

In the current circumstances, it is generally justifiable for employers to collect temperature measurements and information about coronavirus symptoms and recent travel history from employees to protect employees' health. The data collected must not be used or disclosed for other unrelated purposes, unless express voluntary consent is obtained. Measures taken by employers to collect data should be necessary, appropriate and proportionate, and employers should seek to process the relevant data in an anonymised way. Employers must take all practicable steps (e.g. secure storage, encryption and only allowing authorised personnel access the data) to protect the personal data collected against unauthorised or accidental access, processing, erasure, loss or use.

If an employee has contracted coronavirus, the employer may notify other employees and the property management office, for example, this should be done without disclosing the employee's identity. In most circumstances, the disclosure of the identity of an infected employee and his

or her personal particulars will not be considered necessary or proportionate.

### ***Tracing apps***

The Privacy Commissioner has stated that individuals' location data under quarantine may be collected to enable the government to monitor compliance with quarantine and that it is in the public interest to do so. If private sector employers wish to obtain employees' location data by compelling all employees to install a tracing app, this would likely be considered excessive and unlawful.

## **4 Pay and leave**

You should be flexible and agree to requests for working from home in line with any usual flexible working and/or homeworking policies where possible. Make clear that homeworking does not create a permanent variation to the employee's terms of employment and consider reserving the right to require workplace attendance on short notice. Give special consideration to requests from vulnerable individuals and employees with dependants who need care.

*Unpaid leave:* You can ask employees to take unpaid leave for a period of time. Employee consent must be obtained.

*Annual leave:* You can ask employees to take their annual leave during this period (see below).

### ***Sickness and quarantine pay***

Employees are entitled to the usual sick leave and pay provisions in their employment contract, which normally includes any entitlement to statutory sickness allowance. Employees will be entitled to receive statutory sickness allowance during their sick leave if they are sick for four or more consecutive days, the leave is supported by a valid medical certificate and the employee has accumulated a sufficient number of paid sickness days. If an employee is put under compulsory quarantine, he or she will be issued a medical certificate by the Government and the above comment regarding sick leave and pay will also apply.

### ***Temporary state support for pay***

Under the HKD80 billion Employment Support Scheme introduced by the second tranche of the anti-epidemic fund of 18 April (see 9 below), eligible employers can receive 50% of their employee's wages for six months (with a cap of HKD9,000 per employee per month). All employers who have been making Mandatory Provident Fund (MPF) contributions or have set up Occupational Retirement Schemes (ORSO schemes) for their employees will be eligible unless they are on the exclusion list (i.e. government employees, statutory bodies and staff employed by outsourced service contracts to work for Government contracts). The first round of applications will be released in May 2020, with



payments to be made by the end of June for the first tranche. The first tranche is expected to cover June to August 2020 wages, and the second tranche, September to November 2020 wages. Employers will be expected to distribute 100% of the subsidies to their employees and cannot use it to offset other expenses.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

If you close the office or other workplace, you may choose to pay employees as usual or consider directing employees to take their statutory annual leave (in this case, 14 days' advance notice is required unless a shorter time has been mutually agreed), contractual annual leave (i.e. above the statutory entitlement) or unpaid leave during any period of closure. If you differentiate between statutory and contractual annual leave, you may direct the employee to take contractual annual leave. If no differentiation is made, the 14-day advance notification rule also applies to contractual annual leave. You may consider offering employees a reasonable amount of time off to deal with unexpected events involving their dependants, including an unexpected school or nursery closure. This can be paid or unpaid.

Other possible measures include:

**Withholding remuneration:** If the company has cash flow issues, employers may seek employees' consent for a percentage of their monthly remuneration to be 'withheld'. In practice, this would be carried out as a salary reduction initially and a sum equivalent to the amount reduced would be repaid by a certain date in the future once cash flow problems have eased. This could be paid back either through a lump sum payment or by way of instalments, and this should be specified in a letter agreement along with any other applicable terms. Employee consent must be obtained, otherwise a disgruntled employee may claim constructive dismissal and/or unreasonable variation of employment terms. The risk of an employee bringing this type of claim applies to all of the alternative suggestions below (except for termination).

**Reduction:** You can reduce employees' working hours, and remuneration by a corresponding amount. Again, consent is required. Any unilateral reduction would be unlawful and would constitute a criminal offence.

### ***Restructuring***

It is also possible to dismiss an employee on the ground of redundancy. No mandatory consultation process is required. There is also no concept of collective redundancy or unfair dismissal in Hong Kong. The employer should ensure that the employee is paid out all his or her statutory and contractual

entitlements upon termination (this would usually comprise of wages, accrued but unused annual leave, payment in lieu of notice, statutory severance (if the employee has two or more years of service), outstanding expenses and any other contractual payments). It is fine for an employer to seek to re-hire the employees when the situation improves.

Employers taking advantage of the Employment Support Scheme must provide an undertaking not to implement redundancies during the subsidy period. If there is a reduction in the number of employees on the payroll within the MPF and/or ORSO framework during the subsidy period, the subsidy will be adjusted with clawbacks and other penalties.

## **6 Travel**

Under current Government guidance, from 25 March, non-Hong Kong residents coming from overseas countries will be denied entry to Hong Kong; non-Hong Kong residents coming from the Mainland, Macao and Taiwan will be denied entry to Hong Kong if they have been to any overseas countries in the past 14 days; all travellers coming from the Mainland, Macao and Taiwan, including Hong Kong and non-Hong Kong residents, will be subject to a 14-day compulsory quarantine; and Hong Kong residents arriving in Hong Kong who have been to any other overseas countries in the past 14 days will be subject to



compulsory quarantine. Compulsory quarantine will be at designated places, either at home or a hotel, which will be monitored by electronic wristbands and other forms of surveillance such as spot checks.

Employers insisting on employees travelling to areas where the Government has advised against travel would be in breach of their health and safety duties. You should carry out risk assessments in relation to employees travelling elsewhere. If an employee refuses to travel, in breach of their contract, it might be possible to take disciplinary action, but before doing so it would be wise to investigate whether the employee has any particular reason for not wanting to travel. Currently, the Government advice is to avoid all non-essential travel outside Hong Kong.

## 7 Discrimination

Any request not to attend work should be related to potential exposure to the virus and should apply to all staff regardless of nationality or ethnicity, otherwise this could give rise to direct race discrimination claims. Refusing to approve personal travel to badly affected areas may indirectly discriminate against certain employees (e.g. staff of Chinese ethnic origin) because it would disproportionately affect them. However, any claim is unlikely to succeed given the purpose of limiting travel is for health and safety reasons. Employers can be

vicariously liable if employees racially harass colleagues and employers will only avoid liability if they can show that they took 'all reasonable steps' to prevent employees behaving in such a manner.

## 8 Reporting to the authorities (when and what to report)

There are currently no reporting requirements placed upon employers in Hong Kong. However, employers may disclose information collected related to the identity, health and location of an employee to the government or health authorities for the purposes of protecting public health.

## 9 Emergency laws and the implications for businesses

On 21 February, the Hong Kong government approved the HKD 30 billion anti-epidemic fund, aimed to support and enhance businesses and sectors affected by the Covid-19 outbreak. The fund covers a wide range of sectors in the community, including but not limited to: the Hospital Authority (HKD 4.7B), Transport sector (HKD 3.23B), Retail sector (HKD 5.6B), Property Management sector (HKD 1B), Food Business sector (HKD 3.73B) and the Supply of Protective Equipment (HKD 3.3B). The fund includes multiple schemes that are tailored to each sector, with the Hospital Authority and Retail sector receiving the highest percentage. Applications for these schemes have

already become available and the disbursement of subsidies has begun. A second round of the anti-epidemic fund was approved on 18 April.

The Hong Kong Government announced in February that they would be giving all Hong Kong residents aged 18 and above a HKD 10,000 cash handout. The details of this are yet to be announced, with the application process most likely starting in the summer months (at the earliest). However, it is unclear when people would actually receive these payments.

## 10 Other points

There is still uncertainty about the exact characteristics of the coronavirus and its transmission. Official recommendations may change, as experts learn more about the virus and the nature of the outbreak and other employment issues may arise. Employers should keep the situation under review, official advice is available on the websites listed below:

[Centre for Health Protection – Coronavirus News.](#)

[HKSAR Government Press Releases.](#)

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# Hungary

Last updated:  
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## 1 Restrictions on daily life

The Hungarian government has declared state of emergency due to the novel coronavirus epidemic. Universities, schools and nurseries are closed and have moved to remote learning.

Under the state of emergency, Individuals in mandatory home isolation may not leave their home for two weeks and quarantine violators may be punished (the police are authorised to sanction violations).

In Budapest and Pest County, limited movement is allowed only for justified purposes, such as work, individual sport activities, buying groceries, taking healthcare treatment, religious activities, manicure etc. In practice it does not limit activities. Bars and restaurants are closed and only take away and home delivery are possible.

In all of Hungary, everyone (except for members of the same household) must keep a distance of 1.5 meters from others during all times.

Between 09:00 and 12:00, only those aged 65 and over may shop at grocery stores, drugstores, markets and pharmacies. Everyone below 65 must visit these stores at other times.

All indoor and outdoor events, regardless of participants are prohibited (except for weddings and burials), effectively resulting in the closure of cinemas,

theatres and concerts. Shopping centres and supermarkets are not affected by this prohibition. For full details of the emergency measures, see [here](#).

## 2 Resuming activity

As of 4 May, restriction of movement applies only to Budapest and Pest County and their residents. Individuals in the rest of the country can move freely without needing a justified purpose for doing so. The minimum distance of 1.5 metres must still be maintained except for members of the same household.

Outside Budapest and Pest County, all stores and service providers may stay open without any restrictions on open hours. Bars, restaurants and cafés can accommodate guests in open air spaces (terraces and gardens). Customers must wear masks and the 1.5-metre distance must be maintained except for customers arriving as a group.

Outdoor baths, museums, zoos, and other outdoor recreation areas can reopen, while indoor institutions such as cinemas or theatres remain closed for now.

Under the Labour Code, all employees must fully cooperate and comply with all requirements and instructions you give to protect their health. Where it is possible, Most employers, are currently allowing remote working ('home office') during the current emergency.

You should work out a communication system, set up a hotline and provide employees with key, regularly updated information on the epidemic and what to do. Contact the organisation's doctor to clear and agree the tasks, such as frequency of medical examinations.

## 3 Data privacy and the use of apps

### *Protecting privacy*

In general, measures that do not restrict employee privacy take priority (e.g. distancing, usage of masks, proper hygiene).

If someone feels sick, they should call and inform you. Immediately order the employee to stay away from work and contact their local GP. If they become sick in the workplace, order them to phone the organisation's doctor who will take the necessary treatment measures. You should report the case to National Epidemic Agency giving the name of the doctor who treated or examined the affected employee.

You can require employees to report if they are experiencing any symptoms or whether they have taken trips to infected countries or been in contact with an infected person or with someone who has arrived from a high-risk country, even if they have no symptoms. An employee cannot refuse to tell you if they are infected.

You can require an employee to go for examination from the organisation's doctor, who will decide the next step: acting on this is mandatory for you and the employee.

The fact that there has been an infection can be disclosed to other employees, without disclosing the identity of the infected individual.

Reporting on sensitive personal health information and healthcare falls under the legally regulated special professional secrecy obligation. There is no GDPR issue as the employees themselves report their status, and the employer will only call the contracted organisation doctor if there is any suspicion. They should not share any sensitive personal information with you and only warn you if extra measures or closure is needed.

According to the Hungarian Data Protection Authority (HDP), it is unlawful to subject employees to temperature measurements (or any other tests) if there is no suspicion of infection, and measurements may only be taken by healthcare workers. Employers may also not request medical certificates or history.

#### ***Tracing apps***

Location tracing applications are considered an unnecessary intrusion into employees' private life, therefore they cannot be compelled to install tracing apps. Currently, the only tracing app used in context of the coronavirus is the

Government app used for the purpose of enforcing home quarantine, with the quarantined person's consent.

## **4 Pay and leave**

### ***Sickness and quarantine pay***

If a person is declared sick by his or her GP, they will be entitled to sick leave pay. It is paid by the employer for the first 15 days and thereafter by the national healthcare fund.

A person without symptoms may be quarantined. If they are sick, they will be treated in hospital.

If employees are ordered to stay away from work by you as a precaution, they are entitled to their wages. If they are quarantined by order of authorities or should stay at home because of a declared epidemic, their absence from work is justified, but will be unpaid. Of course, you can choose to pay the affected employees' salary, even if not legally obliged to do so.

### ***Temporary pay support***

The Government has announced a wage subsidy for reduced working time employment during the emergency, with significant changes made to the subsidy on 29 April 2020. The wage subsidy may be requested if the reduced working time reaches at least 25% and at most 85% of the previous working time. The amount of

the maximum wage subsidy depends partly on the lost working time and partly on twice the net minimum wage, therefore the maximum wage subsidy available is approximately EUR 321 per employee.

If the reduced working hours exceed half of the previous working hours, the employer and employee must agree on 'individual development time', during which the employee is exempted from work and shall partake in the employer's trainings. The employee is entitled to his or her wage for the individual development time.

The employer cannot order extraordinary working hours (overtime) for the supported employees and cannot dismiss the employee in question during the period of wage subsidy and 30 days after.

Unfortunately, the employer must credibly prove it is in the 'interest of national economy' to retain employees to qualify for the subsidy. This is not defined and is an entirely subjective term. There is no right to appeal the government office decision.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Where possible for your business, you can order employees to work from home at any time for a temporary period.

Anyone who feels sick or experiences symptoms should notify their local GP who will advise them what to do, whether to stay at home and for how long. In a serious case when hospital treatment is necessary, the doctor will arrange emergency service to take the patient to a special hospital.

You can decide to close your business at any time even if there is no declared epidemic situation. If you do, employees must be paid. The government can also order closure, and in that case the employees may be put on unpaid leave.

Alternatively, employers may suspend payment of cafeteria, postpone pay raises or payment of bonuses. They can also reduce their activity, using temporary lay-off measures, and reduce working hours and wages with employees' agreement. The employer can apply for the wage subsidy described above, however, granting of the request cannot be guaranteed.

Employers can send employees for the majority of their annual holiday or dismiss employees for operational reasons without their consent. It is possible to

invoke force majeure if your operation is affected directly by force majeure and put employees on unpaid leave.

### *Restructuring*

No changes have been made to downsizing or restructuring proceedings in the context of the coronavirus crisis. As a result, employers can only initiate a 'collective redundancy' procedure as set out in the Labour Code.

## 6 Travel

Only Hungarian nationals (EU nationals with a permanent permit are treated as Hungarian nationals) may enter Hungary in civilian traffic, transportation of goods is not restricted. Border inspections have been reinstated on the Schengen borders. Arrivals from abroad must go through a medical examination. If there is a suspicion of infection, the arrivals are put into quarantine (hospital) until further notice, and in a lack of suspicion arrivals are put into mandatory home isolation (quarantine) for two weeks.

## 7 Discrimination

Any form of discrimination is prohibited.

## 8 Reporting to the authorities

Employees should report to the GP if they return from an epidemic area or if they

feel sick. Your contracted doctor should report if they find a suspicious case.

If a case is identified in the workplace or among the employees, you should report it to the National Epidemic Agency, giving details of the doctor(s) who treated or examined the affected employee.

## 9 Emergency laws and the implications for businesses

On 29 March, with the effect from 30 March, the government has emergency powers that are unprecedented in Europe. The new law practically allows the government to rule by decree for an indefinite period of time. It also allows the government wider freedom, by allowing emergency decrees to go beyond what is listed in the Disaster Relief Act.

The Coronavirus Act also introduces a number of other changes to the constitutional order of the country:

- The government will be allowed to suspend the application of certain laws by decree if necessary and proportional to protect citizens' health, life, property, rights, and to secure the stability of the economy in connection with the pandemic.
- The Constitutional Court is to remain operational during the state of emergency but can hold meetings using electronic means of communication.

- 

No local or national elections or referendums can be held until the end of the state of emergency.

- Elections and referendums already scheduled will take place after the special legal order ends. Municipal councils dissolved during the state of emergency stay in place until the end of the special legal order.

Courts cannot be visited: court proceedings continue with hearings and trials held electronically.

Some economic measures have also been introduced. State-financed childcare benefits ('GYES' and 'GYED') which would expire during the state of emergency have been extended to last until after the emergency ends, however, no further employee support has been announced yet.

For businesses, the deadline for filing financial statements and tax returns for most types of taxes has been extended from 31 May to 30 September 2020. The mandate of executive officers, auditors, etc. have also been extended until 30 days after the end of the emergency. Companies can reduce their pre-tax profit, and as a result their corporate tax by retaining and transferring earnings to their development reserve, provided that it remains in reserve on the last day of the tax year. This option is available for the tax years during the emergency and the preceding year, in this case 2019.

Since 18 March in the following sectors employers need not pay contributions for their employees, and employees' contributions are also significantly reduced (they need not pay pension contributions and health insurance contribution is reduced to the minimum set by law) until 30 June 2020:

- tourism;
- hospitality (e.g. restaurants and hotels);
- entertainment, film and live performers;
- gambling;
- sport and cultural services;
- event coordination.

In the sectors listed above, lease agreements may not be terminated and rent cannot be raised during this period.

Taxi drivers are exempted from tax payment under the 'small entrepreneurs' tax.

The tourism sector is also exempted from paying the tourism development contribution.

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# India

Last updated:  
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## 1 Restrictions on daily life

The Indian Government has mandated a nationwide lockdown till 17 May 2020.

In all the states of India, all educational institutions have been closed till 31 May 2020. In the southern states of Kerala and Karnataka, all educational institutions have been shut for an indefinite period. Schools are also being extensively sanitised and fumigated. An increasing number of companies have asked employees to work from home if the nature of their work permits it.

There have been instances where access to entire office buildings has been closed as an individual working in the building was infected with coronavirus.

States in India have identified certain areas as 'containment zones' in view of the high number of coronavirus cases. No industrial or commercial activities are permitted to be undertaken in 'containment zones' and movement of people is extremely restricted.

The remaining areas have been categorised as 'Red', 'Orange' and 'Green' zones, depending on the number of coronavirus cases. Business activities have been permitted to commence in 'Green' and 'Orange' zones, subject to conditions such as social distancing, reduced workforce, staggered timings, etc.

## 2 Resuming activity

The Government has allowed certain establishments to operate even during the lockdown period. In this regard, the Government has issued a Standard Operating Procedure (SOP) to be implemented by offices, workplace, factories and establishments following their return to work. The measures provided in the SOP include the following:

All areas in the premises including the following must be disinfected completely using user friendly disinfectant mediums:

- entrance gate of building, office, etc.;
- cafeteria and canteens;
- meeting rooms, conference halls/open areas available/verandas/site entrance gates, bunkers, portacabins, buildings, etc.;
- washrooms, toilets, sinks, water points, etc.;
- walls/other surfaces.

During the lockdown period, employers must arrange transportation for employees, without any depending on the public transport system. These vehicles should be allowed to work only with 30-40% passenger capacity.

All vehicles and machinery entering the premises should be disinfected by spray immediately. Mandatory thermal scanning of everyone entering and exiting the workplace must be introduced.

Medical insurance for the workers to be mandatory.

Employers must provide handwash and sanitiser preferably with touch free mechanisms at all entry and exit points and common areas.

Workplaces must introduce a gap of one hour between shifts and stagger the staff lunchbreaks, to ensure social distancing.

Seating must be at least six feet away from others on job sites and at gatherings, meetings and training sessions. Large gatherings or meetings of ten or more people should be discouraged.

Employees are required to wear facemasks and other protective gear (e.g., gloves where required).

Not more than two to four individuals (depending on size) will be allowed to travel in lifts or hoists. Use of staircased (rather than lifts) should be encouraged.

There should be strict ban of tobacco and tobacco products and spitting should be strictly prohibited.

There should be total ban on non-essential visitors on the site.

A list of hospitals/clinics in nearby areas which are authorised to treat coronavirus patients should be identified and the list should be available at workplace all the times.

If any employee exhibits any signs of coronavirus, he or she should immediately be quarantined until he or she can be sent to a hospital to be tested and treated in accordance with the Government guidelines. The home quarantine period is 14 days from the day of contact with a confirmed case or earlier if a suspect case (of whom the index person is a contact) tests negative for coronavirus. You should also advise other employees with whom the infected employee may have come in contact to self-quarantine for a period of 14 days and get medically tested for COVID-19. The Government home quarantine guidelines are available [here](#).

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

You can ask an employee whether they are infected or whether they have travelled to a high-risk area recently as employers are responsible for ensuring all employees' health and safety. If an employee answers yes to either of the questions, you must undertake preventive measures to ensure the wellbeing of all other employees.

While an employee could refuse to tell you whether or not they are infected, given the current extraordinary circumstances, this refusal could be considered as putting the safety and wellbeing of colleagues at risk and you would have a justifiable cause to take action against the employee. If there is a legitimate reason to suspect that an employee is infected, you can compel the employee to undergo a medical examination (including by a company doctor).

#### ***Tracing apps***

The Government introduced a tracing app, 'Arogya Setu', on 3 April 2020 as one of the measures to fight coronavirus. A recent Government order seems to suggest that employers are required to ensure that every employee downloads the app (this order has been challenged in the High Court of Kerala).

As there are concerns related to privacy, employers should be cautious in requiring employees to use the app. In the event an employee refuses to use the app, in our view, this would not be sufficient reason for an employer to refuse access to office and stop payment of salary.

### **4 Pay and leave**

The state of Karnataka requires employers to provide for an additional 28 days of paid sick leave to any employee who is tested positive for coronavirus.

Practically, employers are being considerate and are extending the benefit of paid sick leave to employees who test positive for coronavirus.

### **5 Reduction of activity and restructuring**

The Government of India as well as various State Governments (for instance, the State of Maharashtra and State of Haryana) have issued advisories for employers which specify that they should not terminate the services of any employees or contractual workers or reduce their salaries during the period of lockdown (which is currently in force until 17 May 2020).

We do not anticipate any restrictions being imposed on employers regarding any future restructuring exercises.

Employers may opt for either temporary lay-off or termination on account of redundancy, as part of downsizing or restructuring. In a layoff situation, the employer is required to pay 50% salary to the employee. In case of redundancy, certain categories of employees are entitled to severance payments.

In certain situations, a reduction in workforce may require prior Government approval.

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Generally, there is no requirement for consultation with employees for undertaking a restructuring exercise. If there is a trade union representing the employees, the employer is required to consult the trade union. In the absence of consultation with recognised trade unions, they may raise a dispute that the reduction in workforce was illegal. However, there is no potential criminal liability in the event trade unions are not consulted.

## 6 Travel

The Government suspended international flights from 20 March 2020 and domestic flights with effect from 25 March 2020, respectively. Further, the Government had ordered that all passengers with a travel history to or from China, Hong Kong, Republic of Korea, Japan, Italy, Thailand, Singapore, Iran, Malaysia, France, Spain and Germany should undergo self-imposed quarantine for a period of 14 days from the date of their arrival in India and their employers are advised to facilitate work from home during this period.

All existing visas issued to nationals of any country who had not yet entered India except those issued to diplomats, official passport holders, those in the UN or international organisations, individuals on Employment, Project visas and those who are operating aircrew of scheduled commercial airlines are suspended.

Visas of all foreign nationals already in India remain valid. In the event the visa held by a foreign national expires during this period, he or she may contact the nearest Foreigners Regional Registration Office on the Covid-19 helpline number (011-24300666) for an extension. Visa-free travel for OCI cardholders is currently suspended.

The Government has issued an order dated 5 May 2020 for movement of Indian nationals stranded outside the country and has also issued a Standard Operating Protocol which can be accessed [here](#).

## 7 Discrimination

An employer should ensure that its conduct is not discriminatory towards any employee.

## 8 Reporting to the authorities

If an individual exhibits any signs of coronavirus, he or she should immediately report to the nearest hospital and contact the Ministry of Health & Family Welfare 24\*7 helpline number (+91-11-23978046). Please note that Indian data privacy laws permit disclosure of sensitive personal information to government authorities.

## 9 Emergency laws and the implications for businesses

Except for the elements of the SOP which have been discussed above, there are no additional measures which significantly affect businesses.

## 10 Other points

- The State of Karnataka has introduced a measure requiring businesses to electronically submit a self-declaration that they are compliant with the SOP.
- The State of Haryana has introduced a requirement for all businesses to install CCTV cameras which will sufficiently cover the entire work floor (to confirm that social distancing requirements are being respected).

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# Ireland

Last updated:  
11/5/2020

## 1 Restrictions on daily life

Ireland is still in lockdown, but dates have been set for the gradual re-opening of businesses and relaxing of restrictions. Currently, everyone who can, must work from home. People must stay at home unless they are working in an essential service and need to go to work, for medical reasons, for vital family reasons or for brief physical exercise. Food retail outlets have been permitted to remain open but have had to implement strict social distancing measures.

## 2 Resuming activity

The 'Roadmap' to re-open society and business which was announced last weekend will commence from Monday 18 May 2020. It sets out five phases for easing restrictions at three-week intervals. Each phase consists of a number of areas of progress under headings which include Community Health, Education and Childcare, Economic Activity & Work, Retail, Service & Commercial Activity, Cultural & Social, and Transport & Travel.

While it is recommended that remote working continues for all that can do so, a protocol is being devised by employer bodies, unions and government to ensure the safe return to work for businesses as restrictions are lifted. It is expected that the protocol will include the following steps:

- updating current health and safety plans and safety statements;
- completing an online or onsite coronavirus induction for all employees;
- completing an employee-specific coronavirus questionnaire/self-declaration to be submitted to the employer two days in advance of returning to work;
- advising employees with coronavirus symptoms, or exposure to a confirmed case, to stay at home and not come to work;
- implementing a procedure for responding to suspected coronavirus cases in the workplace; and
- nominating one management employee and a worker/trade union representative in each workplace to ensure all the necessary guidelines outlined in the protocol are being maintained.

There is no current guidance in regard to mask-wearing, or testing of employees, so it is recommended that employers look for less invasive ways of protecting health and safety of employees who cannot work from home and must come to the workplace.

If any employees refuse to come to work, this should be dealt with on an individual

basis. For instance, they may be worried about using public transport or government/healthcare guidance may still advise that people should stay home where possible. Disciplining an employee in those circumstances is likely to be deemed to be unreasonable, in particular in the early stages of re-opening and where it's possible for the work to be done remotely.

## 3 Data privacy and the use of apps

### *Protecting privacy*

There are important considerations which should be taken into account when handling personal data in regard to health information, given that it is sensitive personal data. Overall, our data protection authorities would likely view any proposal to carry out health screening/tracking as a very stringent requirement, and would require strong justification based on necessity and proportionality and also an assessment of risk. Such a practice would be difficult to justify when this practice is in relation to sensitive personal data, and it's not currently recommended by either the Health Services Executive (HSE) or the Health and Safety Authority (HSA).

Any risk assessment would have to take into consideration specific organisational factors, such as whether staff had travel duties, the presence of vulnerable persons in the workplace, and any directions or guidance of the public health authorities. It's most likely that employers will have to show whether they had considered whether any less invasive measures would be sufficient, which, for many employers, probably would.

If any employer decided to proceed with screening/tracking, notwithstanding the risk, then a data protection impact assessment would also be required, to record why the measure is necessary for the specific workplace (and why other less invasive measures are not sufficient).

### ***Tracing apps***

It's unlikely that any employer could discipline/dismiss an employee who refused to download an Contact Tracing App, if that employer was otherwise implementing proper measures to protect the health and safety of staff, unless the employee couldn't continue to work from home, and there were no other ways to reduce the risk of infection in the workplace.

It would also be advisable to ask an employee to confirm if they were notified by the contact tracing app that they'd been in contact with someone who was infected, rather than make it a mandatory requirement. There is every chance that

someone will have been in contact with someone who has been infected, but if the employee is otherwise well, then there's no reason to prevent them from coming to work. If an employee is prevented from coming to work, salary could not be stopped if they were well, and willing/available to work but couldn't because the employer was preventing them. Also, any employee who was advised on foot of the App to stay in quarantine for two weeks should continue to be paid if they can continue to work. If the work cannot be done remotely, the situation should be considered on a case-by-case basis by the employer. Where possible, employees should continue to be paid, as otherwise they might not disclose that they've been advised to quarantine, and come to work, thereby risking the health and safety of their colleagues.

## **4 Pay and leave**

There is no statutory entitlement to pay if an employee is absent from work. If an employee is off sick with coronavirus, or with symptoms of coronavirus, they are entitled to sick leave and pay as set out in their employment contract or sickness absence policy. If employees are not entitled to sick pay and are not entitled to receive other emergency unemployment benefits, you may consider paying it on a discretionary basis if your workplace remains open, otherwise employees may try to work while sick and risk spreading coronavirus. Employees without sick pay

may be entitled to apply to the Department of Employment Affairs and Social Protection immediately for enhanced illness benefit of EUR 350 per week. This is paid for a maximum period of two weeks where an employee is medically required to self-isolate due to suspected coronavirus infection or the full duration of absence from work following a confirmed diagnosis of coronavirus. The enhanced illness benefit is only paid to those who remain confined to their home or a medical facility.

Employees who self-isolate may be able to work remotely and should be paid where they do so. If not, and where the isolation is imposed by you, the employee should continue to be paid to reduce the risk of a claim.

Employees who have lost their job, been temporarily laid off or been asked to stay at home without pay may be entitled to apply for the COVID-19 Pandemic Unemployment Payment. The payment is paid at a flat rate of EUR 350 for the duration of the pandemic emergency. .

Short Time Work Support is available for employees who had their hours of work reduced from full-time to part-time so that they are working three days per week or less having previously worked five days. The rate of pay depends on the employee's average weekly earnings, but they may receive up to EUR 81.20 net per week.



Employers have been encouraged to retain employees on payroll where possible and the government has set up the Temporary COVID-19 Wage Subsidy Scheme for employers in all sectors who are experiencing negative economic disruption due to coronavirus. The scheme is confined to employees who were on the employer's payroll as at 29 February 2020, and for whom a payroll submission has already been made to Revenue in the period from 1 February 2020 to 15 March 2020. The scheme is currently in its operative phase and the subsidies available are calculated depending on the employees earnings in January/February 2020, and capped at between EUR 350-410 per week. Employers who can afford to, are being encouraged to top up the subsidy as much as possible.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

If you need to temporarily cease business activity, you may be able to put employees on temporary lay-off and cease pay. Alternatively, if there is a reduction in work but still some level of business activity you may impose short-time working and reduce pay. The employment contract must provide for lay-off or short-time and provide that layoff will be unpaid for an employer to be able to cease pay.

If lay-offs occur or you impose short-time working, you must explain the reason for them in advance and keep employees informed. If no express provisions permit lay-offs or short-time working, you may also rely on custom and practice to impose lay-offs or short-time working. If this is not possible, you need to obtain the express agreement of employees to the proposed layoffs or short-time working. Under normal circumstances, employees who have been on layoff for four weeks are entitled to trigger a redundancy and seek a statutory redundancy payment from the employer. However, this has changed under our emergency legislation so that employees cannot trigger a redundancy during the emergency period (ie before mid-June).

Alternative options can also be explored. Many employees are agreeing to take some or all of their annual leave within a specified period. Others are agreeing periods of unpaid leave.

### ***Restructuring***

If it is not sustainable to keep employees on layoff or short-time, you may need to consider redundancies. Redundancy occurs if the role ceases to exist. This can arise if the role is no longer required due to a significant downturn in business or a restructuring situation. If an employee has at least 104 weeks' continuous employment with an employer, they are entitled to a statutory redundancy payment. This is calculated as two weeks' pay per year of service

plus a bonus week. A week's pay is capped at EUR 600.

There are various procedural requirements which should be followed in any redundancy situation e.g. consultation with effected employees. These requirements become even more stringent and prescriptive in the case of collective redundancy.

## **6 Travel**

The Department of Foreign Affairs and HSE have implemented multiple travel restrictions in and out of Ireland. People returning to Ireland have been requested to restrict their movements for 14 days. There is a nationwide restriction on travel outside of five kilometres from your home and social gatherings or visits are not permitted.

## **7 Discrimination**

Any request you make for employees to stay away from work should be based on relevant guidance and should apply to all employees, regardless of nationality or ethnicity. Preventing travel to infected areas (where travel restrictions are not in place) may indirectly discriminate against certain employees, so you need to ensure it is a proportionate means of achieving a legitimate aim. Protecting employee health and safety would be a legitimate aim, but an absolute travel ban might be disproportionate.

Asking employees who have recently travelled to infected areas not to attend work might be indirectly discriminatory if it affects more employees of one ethnicity than others. However, this would likely be justified as a proportionate means of achieving a legitimate aim.

## 8 Reporting to the authorities

If you become aware of a suspected coronavirus case, there is no positive obligation on you to report it. The HSE advises employers to tell employees to phone their doctor to seek advice.

## 9 Emergency laws and the implications for businesses

In addition to the emergency legislation which put in place the restrictions included in 1 above, the Irish government has also signed off on a package of new supports and measures to help businesses reopen as coronavirus restrictions are slowly lifted. These include:

- EUR 10,000 Restart Fund for micro and small businesses;
- three-month commercial rates waiver for impacted businesses;
- EUR 2 billion Pandemic Stabilisation and Recovery Fund

making capital available to medium and large enterprises;

- EUR 2 billion Credit Guarantee Scheme supporting lending to small and medium enterprises which will be below market interest rates;
- 'warehousing' of tax liabilities for a period of twelve months after recommencement of trading during which time there will be no debt enforcement action taken by Revenue and no interest charged in respect of the warehoused debt;
- working with the Banking and Payments Federation of Ireland to introduce flexible repayment arrangements for mortgage / security holders including the possibility of a payment break or deferral of repayments for up to six months.

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# Israel

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## 1 Safety and hygiene

The Ministry of Health is continuously updating its instructions and guidance on the containment of Coronavirus . It has emphasised careful hygiene practices (such as proper hand washing) and to avoid shaking hands. Consider consulting a professional regarding any additional measures that may be advisable for your workplace. Generally, adopt hygiene practices such as making sterilisation products available to the employees. Consider scheduling more frequent cleaning of premises and facilities.

Employees ('employee' is broadly defined in this context and not limited to employment relations) who are subject to Home Quarantine obligations (whether they are sick or not) and any employees with a fever over 38°C, must not be allowed in the workplace at all. We recommend any other sick employees are not allowed into the workplace.

It is extremely important to keep informed, and keep employees informed especially in relation to Home Quarantine, entry into Israel and travel warnings and recommendations. Government guidelines are constantly being updated and refined, in an attempt to battle further infections and spreading of Coronavirus . Employers should consider appointing a designated employee or team to manage preparations or actions taken in relation to coronavirus , and inform the employees of their identity.

In the current exceptional circumstances, actions more stringent than government guidelines may be considered reasonable. This will depend on circumstances including the nature of the workplace (e.g. do employees work in an open space, or does the position require visits to hospitals).

## 2 Testing

Given the ban on employees in Home Quarantine or with a 38°C or higher fever entering the workplace, it is legitimate and necessary to inquire whether employees have recently travelled abroad or are otherwise required to be in Home Quarantine, and ask them to declare that they do not have a fever. As employees in general should not work while sick you can also forbid any sick employees (even if they have other symptoms) from entering the workplace.

Although employers have a general duty of care towards employees, privacy rights may not always support conducting health-related tests. However, in this unique time and bearing in mind the new obligation not to allow employees with high fever to enter the workplace, we consider that voluntary temperature checks are permitted. You should uphold privacy rules, including only using any information provided for the purpose of containing coronavirus , for that purpose. You cannot force employees to be tested, as long as they abide by the governmental guidelines.

## 3 Restrictions on daily life

On 12 March, all schools were closed for a month. Kindergartens and special education facilities continue to operate as usual. We recommend monitoring future instructions.

Israel has established strict criteria and rules for obligatory Home Quarantine. You can find details [here](#).

It is highly recommended to consider remote working rules, and make the necessary preparations for it (insurance, IT, ensuring employees have work-related material and equipment).

Employees on mandated Home Quarantine cannot be required to work from home (since they are on sick leave). However, if they are not actually it is possible to request that they work from home. If they do, it will not be considered sick leave.

## 4 Pay

Absence on mandated Home Quarantine is deemed sick leave, entitling employees to sick leave pay (as long as they have accrued sick leave days in their favour). On day one of sick leave there is no entitlement to salary; on days two and three employees are entitled to 50% of their salary and from day four onwards, they are entitled to 100%.

You may have enhanced sick pay arrangements. The government has issued a comprehensive medical certificate for these absences, which also covers children's home quarantine. You cannot request that employees provide a personal certificate under these circumstances.

## 5 Travel

Employers should thoroughly assess the need for travel abroad and adhere to all travel warnings and bans. Travellers returning from abroad will be required to enter 14-day mandatory home quarantine. In addition, flights to and from Israel are infrequent and foreign nationals may not be able to enter Israel (see below).

On 18 March 2020, the Population & Immigration Authority issued a general ban on entry into Israel, unless the entrant is a citizen or a resident of Israel. There are limited exceptions to this ban that may be relevant to employers:

- The Population & Immigration Authority may permit entry if the entrant's life is 'based in Israel.'
- An employer can apply for permission allowing a foreign technician to enter Israel if that technician is needed to make essential repairs to critical machinery.

The second exception is only relevant to an 'essential enterprise' or a medical facility. In the former instance (i.e. if the employer is an essential enterprise), the employer must apply, in advance, for entry permission from the Ministry of the Economy, and, in the former instance (i.e. if the employer is a medical facility), from the Ministry of Health. In addition, if the Authority approves entry for a technician, the technician's stay in Israel will be subject to strict guidelines regarding, among other things, duration, work conditions, and activities while in the country (as published by Israel's Ministry of Health).

The Ministry of Defense is settling individuals entering Israel from abroad in designated hotels (or other locations converted for this purpose), where they will be under medical supervision for 14 days. At present, this does not apply to foreign employees (but to Israeli citizens and residents); however, this could change.

We recommend keeping up-to-date by referencing the Ministry of Foreign Affairs' website (at 'Recommendations for Overseas Travelers') and the Population and Immigration Authority's website.

## 6 Discrimination

Employers must avoid targeting specific employees without a reasonable basis. However, differential treatment due to an employer following the governmental

guidelines in light of the situation (such as differential treatment of those returning from China at the beginning of the crisis), does not constitute discrimination, but rather fulfilment of a legal requirement.

## 7 Reporting to the authorities

Employees must report that they are in Home Quarantine themselves, using an online form or calling the health call centre on \*5400. This is not your responsibility. Employees who refuse to enter Home Quarantine may be charged with endangering the public. There is a national hotline for reporting violations of the governmental guidelines.

## 8 Advice from the authorities

The Ministry of Health, the Population and Immigration Authority and the Ministry of Foreign Affairs are continuously updating their guidelines and instructions.

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## 9 Emergency laws and the implications for businesses

On 30 March 2020, the Israeli Ministry of Finance announced an unprecedented NIS 80 billion economic support package to address the economic consequences of the coronavirus. The package targets four key areas: support to the healthcare system in handling the coronavirus outbreak and its consequences; social welfare support to employees and the self-employed; support to businesses in dealing with the economic impact of the coronavirus; and implementation of economy recover and stimulus measures.

Approximately NIS 41 billion is allocated to supporting businesses. Of that, approximately NIS 6 billion is allocated for 'business grants' with a further NIS 2.7 billion for municipal rate exemptions for March to May. The Israeli Government will also refund income tax prepayments for the months of February and March and will grant automatic extensions to various licences and permits. An amount of approximately NIS 9 billion is allocated to deferral of VAT payments and payment of municipal, electricity and water rates.

The economic support package also provides for the establishment of two funds to grant loans to local businesses, one of approximately NIS 8 billion, is dedicated to small and medium-sized businesses; the other (approximately NIS 7 billion), is dedicated to large businesses with an annual turnover between NIS 0.4 and 1.2 billion to receive a loan of up to

8% of annual turnover. A further NIS 500 million is allocated towards assisting businesses in complying with new Ministry of Health requirements (such as converting to online sales).

## 10 Other points

As of 10 March 2020, requirements for receiving unemployment benefits have been made more flexible, where employees are placed on unpaid leave by their employer in coronavirus-related circumstances.

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# Italy

Last updated:  
11/5/2020

## 1 Restrictions on daily life

Currently schools and universities are closed throughout Italy; some are now organising online courses to continue their activities. Under the 22 March 2020 and 25 March Decree, the Government required companies to suspend their working activities (with the exception of those expressly permitted because their activity is essential) when they could not be carried out from home until 4 May 2020. From 4 May, the launch day of 'Phase 2', all companies were allowed to resume their working activities, with the exception of the retail industry, bars and restaurants which can only open following restrictions ordered by each region (e.g. service of take away only for restaurants).

A specific simplified procedure for homeworking is currently in place, which does not require a signed agreement between the parties, but only that a communication be sent to the Ministry of Labour. Smart working and using ordinary leave or holidays is strongly recommended by the Government.

## 2 Resuming activity

### *Resuming activity*

From 4 May 2020, Italy has started Phase 2 of its coronavirus management strategy which sees a gradual return to working activities. Employers must follow the provisions of the public and health authorities to ensure this takes place in

complete safety. The Government ordered the gradual end of the shut down for companies, urging reopening following the hygiene and safety Protocol of 24 April 2020.

Employers should re-organise the workplace and the working activity in order to comply with the ordered measures of social distancing and hygiene, in particular:

- Prevent entrance to the workplace for anyone with symptoms or a temperature above 37.5°C.
- Provide hand sanitisers through dispensers located around the workplace.
- keep employees informed about procedures, health and safety measures and your flexible working and leave policy.
- All employees sharing the same spaces in the workplace must use masks and all the individual protection measures needed.
- organise staggered entrances and exits to the workplace.
- Enforce work spaces with fixed quotas of people.
- Use rotation and shifts to reduce gatherings.
- Impose a limit on time permitted in common areas.
- Meetings between colleagues allowed only in cases of urgency and following strict protocols.
- Prohibition on travel both in Italy and abroad.
- No training allowed other than via distance learning.
- Companies may organise private buses or alternative transfer measures to help employees in need of public transport (to be avoided when possible).
- Set up an internal committee with unions and health and safety representatives to monitor the application of the measures adopted.

If an employee in the contractor workforce tests positive, the contracting company must immediately give notice to the client to collaborate with the public authorities to implement the instructions given. The client must inform the contractor about security protocols adopted in the workplace and monitor employees' (and even third parties') compliance with these. If an employee shows symptoms at work you must isolate him or her. As a precaution, all staff who had close contact with him or her (i.e. physical contact or presence for more than 15 minutes in the same place at less than two metres' distance) could be put on home leave for 14 days. Call the public emergency numbers, ask for assistance, wait for instructions. Monitor the situation with the Health and Safety

company doctor and wait for the coronavirus test results. The employee will be on sick leave if certified. In critical regions and in companies where employees tested positive for coronavirus, employers must put in place more specific sanitisation of the workplace (according to the Minister of Health message 5443 of 22 February).

Monitoring by the Labour Inspector will be rigorous and regular. Failure to apply these measures will entail financial sanctions up to suspension of the activity in case of violation. The Government and labour authorities have made it clear that employees, who have contracted the virus in the workplace, will be considered absent because of a workplace 'accident' and not because of 'illness', meaning the employer is responsible for demonstrating that it had put in place all appropriate preventive measures. If the employee does not have a sickness certificate or is not under personal restriction measures, he or she cannot refuse to come back to the workplace and may be subject to disciplinary actions.

Some categories of employees (e.g. disabled or particularly weak people due to previous certified sicknesses) have the right to work from home when possible.

### **Testing**

As a general rule, employers cannot autonomously investigate employees' health. Health inspections and investigations must only be carried out by

public authorities. This was confirmed in a Privacy Authority memo issued on 2 March 2020, which confirmed employers cannot conduct autonomous investigations (including using self-declarations by employees about their health or private life) into flu symptoms and/or possible stays in potential infection areas.

However, on 14 March 2020 and 24 April 2020 (included in the 26 April 2020 Decree), an agreement between unions and employers allowed employers to check employees' body temperature at the entrance of the workplace in the context of the coronavirus emergency. This process must respect employees' dignity and they must be informed on the processing of their data with a Privacy notice.

All employees who test positive for coronavirus and then recover must present a medical certificate proving their actual negative virus status at the entrance of the workplace. All employees that were positive for Covid-19 must be visited by the competent doctor of the company.

Public authorities may request employers in critical regions actively collaborate on coronavirus testing for all employees. The most recent Government Decree allows company doctors to put in place additional measures in order to prevent the spread of the virus in the workplace (i.e. test and stamps, etc.)

## **3 Data privacy and the use of apps**

### ***Protecting privacy***

As a rule, employers must comply with the Data Protection Authority when asking employees for any information and with Health and Safety Authority procedures. Employers must comply with the data protection principles and process the employee's personal data only when legally requested by competent authorities or by the competent doctor in the performance of his/her health surveillance tasks into the company. You can communicate the name of a sick employee to public and health authorities and collaborate with them to identify employees that may have been in contact with him/her in the workplace. You cannot directly disclose the name of the sick employee even to the people who have been in contact with him/her. Only health authorities have a duty to inform 'close contacts' to implement the required prevention measures.

You can ask employees (or third parties who enter the work place) for self-certification regarding any contact with sick people in the previous 14 days and could prevent them entering the workplace. In any case, only the necessary, adequate and relevant data should be collected, without requesting additional information about the sick person, the specific places visited or other details relating to that person's private life.

### ***Tracing apps***

Specific information on the tracking app that the government plans to implement in the coming weeks will be communicated with regulations and a specific personal data process.

## **4 Pay and leave**

You can require employees who have had direct or indirect contact with suspected cases to work from home or be put on leave. Medical quarantine is decided by the Health and Safety Authority. You can decide to close the workplace on collective leave.

### ***Sickness and quarantine pay***

Employees on sick leave are paid by the Public Social Security Authority (INPS). Where an employee is in quarantine for sickness or home isolation due to symptoms or for having been in contact with an infected person (all of which must be certified by a doctor), the absence from work will be considered as sick leave and will be paid by the Public Social Security Authority. Sick leave due to coronavirus does not count for the calculation of the maximum period to which employees are entitled to retain their job.

### ***Temporary pay support***

Under the 17 March 2020 Decree (converted in law from 30 April 2020),

social 'shock absorbers' and financial aids have been implemented and may be provided for all companies. Government wage support funds may be requested by employers in the event of a suspension or reduction of working activity with a simplified procedure and the State will cover 80% of the employees' salary for the non-worked hours. Self-employed workers (freelancers with VAT numbers, 'collaboratori coordinati e continuativi' and seasonal workers in the tourism industry) will receive an indemnity for the month of March equal to EUR 600. New parental leave have been provided to support families with children, granting extra 'days off' to assist children or disabled family members while salary payment will be paid by the State depending on the specific circumstances (e.g. age of children or disability of the family member). Employees who have continued to work during March 2020 at the company's normal premises and who have a total income not exceeding EUR 40,000, are entitled to a bonus of EUR 100 corresponding to the effective number of days spent on the premises.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

To deal with the emergency, employers can require employees to take accrued holidays; give ordinary or extraordinary leave; or take advantage of the 'Government Financial Wage Support'

extraordinarily implemented to suspended or reduce working activities (see 4 above).

Workforce reductions during emergency time are possible with the aid of 'social shock absorbers' implemented by the government specifically to deal with the lockdown of many companies. Employers can reduce or suspend their workforce for a maximum period of nine weeks with the public aid of ordinary wage guarantee funds. To have access to those funds, consultation with unions has been temporarily abolished and the procedure has been simplified compared to the regular procedure in non-emergency periods. The procedure to prepare the documents and consult unions takes about one week; the timing of authorisation and fund payment is not yet clear timing but is around two months.

### ***Restructuring***

Employers are not allowed to dismiss employees for 'economic reasons' (giustificato motivo oggettivo) for 60 days after the 22 March Decree. Collective redundancies are prohibited for the same term, and if they were pending on 23 February 2020, are suspended.

The 17 March 2020 Decree was specifically aimed at avoiding downsizing and dismissals during the coronavirus emergency. In particular, the decree prohibits individual dismissals for economic reasons (giustificato motivo

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oggettivo) and collective redundancies for 60 days (until 15 May 2020).

In addition, all pending procedures for collective redundancies that started after 23 February are suspended until 15 May 2020. Executives are excluded from the prohibition on individual dismissals. If these prohibitions are violated, the dismissals, if challenged, would be declared invalid and the employee would be reinstated to his or her position and be entitled to a compensation indemnity. There is no case law on this matter.

## 6 Travel

All movements into and through the country should be avoided. Exceptions will be made only for proven business justifications, emergencies, health reasons and homecoming. Non-essential transfers or movements, especially for elderly people, must be avoided. Individuals should hold a self-certification to be showed to the authorities to justify any kind of movement into and throughout the country. There is an absolute prohibition on leaving home for infected people and those in quarantine.

On 28 March 2020, the Minister of Health, together with the Ministry of Transport, provided specific instructions to regulate entry into Italy. Specific provisions have been introduced both for individual travellers (such as self-declaration stating the reasons for the entry, health surveillance and quarantine

for 14 days) and for travel industry professionals (such as an obligation to take their temperature before boarding, an obligation to provide protective equipment and to enforce safety distances during travel).

## 7 Discrimination

An employer cannot target employees based on their ethnic origin or residence. You must comply with the Data Protection Authority when asking employees for information and with the Health and Safety Authority regarding the procedure you want to apply to employees.

## 8 Reporting to the authorities

Employers must co-operate with the competent doctors and health authorities to identify any critical situation in the workplace and employees with particular needs (such as those with pre-existing conditions or who are particularly weak).

## 9 Emergency laws and the implications for businesses

Due to the suspension of all commercial and production businesses, employers are facing the emergency with the special employment measures introduced by the Government described in point 4 above and the following other measures:

- simplified and faster procedure for smart working;
- suspension of the deadlines for the submission of applications for welfare and insurance payments from 23 February to 1 June 2020;
- suspension of the deadlines for fulfilling obligations and payment of social security contributions for companies based in Italy with revenues or income not exceeding EUR 2 million;
- extensions of deadlines for requesting unemployment benefits and subsidies;
- assistance for the purchase of personal protective equipment and sanitisation;
- extension of the deadlines for payments to the public administration;
- Suspension of all civil and criminal court hearings until 11 May 2020.

The Government has issued specific measures to grant financial support to companies. These measures are changing week by week according to the situation: check with your legal advisors for up-to-date information.

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# Japan

Last updated:  
13/3/2020

## 1 Safety and hygiene

Before you have any cases, we recommend you set some guidelines about when people should attend work and when they should work remotely.

Once someone falls sick, you should ask them to go home and not return to the office until you tell them it's okay. This period should be at least two weeks.

In order to keep your organisation functioning well and avoiding any panic by employees, set up clear policies and prepare to facilitate remote working and conference calling.

## 2 Testing

You are entitled to ask employees whether they are infected and whether they have recently travelled to a high-risk area, and it may be prudent to do so. However, bear in mind that they are entitled to refuse to tell you they are infected. You are also not empowered to force person to be tested for the virus.

## 3 Restrictions on daily life

The Japanese government has recommended the closure of all schools until the end of March.

It is up to you to decide what kind of policy you might have for homeworking, but setting up good homeworking arrangements may be very helpful to your

business and many companies have already started working in this way or are about to do so.

The Japanese government has announced that visitors from certain countries may not enter Japan or will be subject to strict quarantine measurements. If your business is international, this may affect face-to-face meetings with international colleagues.

You have every right to decide to close your workplace if the coronavirus spreads.

## 4 Pay

The Japanese government health programme will cover employers who lose their salaries during medical treatment, paying approximately 2/3 of them. In addition, the Japanese government recently introduced a financial support programme to bear half the cost of salaries for big companies and 2/3 for small companies that continue paying salaries of their employees who are on leave due to shrinking of business for most purposes. If an employee is worried they may be sick but has not yet had a diagnosis and decides to stay at home, employees are not entitled to continued salary payment unless they use their annual paid leave. If an employee is on sick leave, health insurance will pay up to 2/3 of their salaries during medical treatment.

## 5 Travel

The Japanese government has a list of countries and areas that people are advised not to visit without special care. The list is updated regularly, based on the evolving situation.

## 6 Discrimination

Make sure not to discriminate against different groups of employees based, for example on their ethnic origin in the policies you come up with to deal with the virus.



## 7 Reporting to the authorities

You have an obligation to keep health information about employees confidential under the Personal Information Protection Act. There is currently no requirement to tell the authorities about people getting infected. You can do so, but must not identify the individual.

## 8 Advice from government/authorities

Please consult

<https://www.mhlw.go.jp/content/10900000/000599698.pdf>

<https://www.kantei.go.jp/jp/headline/kansensho/coronavirus.html>

(in Japanese)

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# Kazakhstan

Last updated:  
11/5/2020

## 1 Restrictions on daily life

On 11 May, the state of emergency was officially terminated in Kazakhstan; however, in order to prevent the spread of coronavirus, restrictive quarantine measures have been partially preserved.

Major cities were placed under quarantine and they remain closed. No one can enter or leave them, except for the employees of organisations whose activities have been resumed and individuals leaving and entering cities for health purposes.

Shopping and entertainment centres, cinemas, theatres, exhibitions, religious sites and other mass gathering places are still prohibited. Universities, colleges and schools will keep on distance learning.

It is also forbidden to conduct performances, sporting, family, memorial and other public events.

## 2 Resuming activity

The restrictive quarantine measures were eased throughout the Kazakhstan territory starting 11 May. The main criterion for removing restrictions is the achievement of a coronavirus case rate growth of no more than 7% for seven days in a specific locality or region. Once this figure is achieved, citizens are allowed to:

- freely leave houses;
- visit parks, squares, public gardens and embankment areas without entertainment facilities;
- move among regions (air flights); and
- visit second homes.

The activities of organisations and enterprises beyond those essential services already permitted to open can also resume when these conditions are fulfilled, except for retail and entertainment centres, cinemas, theatres, exhibitions and religious facilities. Public transport, educational and remedial child centres can resume and 'watch groups' (alternating groups of no more than 15 children of the same age) are being organised at kindergartens.

Everyone must strictly comply with robust sanitary and disinfecting regime (wearing masks and gloves, temperature checks, use of disinfectants, etc.) and social distancing requirements.

## 3 Data privacy and the use of apps

To avoid any threat to the life and health of colleagues, an employee must warn you if he or she has symptoms of coronavirus. They must also tell you immediately if their health deteriorates.

Employers can send an employee for a medical check-up.

Information which includes personal data may only be transferred with the owner's consent and is protected by law. You cannot obtain any information about an employee's movements or activities (during off-duty hours) without his/her consent. Any illegal use of personal data attracts administrative and criminal liability.

## 4 Pay and leave

Sick employees, employees who were in contact with a sick employee and those who are in quarantine after arriving from high-risk countries, are provided with a work incapacity certificate with a state-guaranteed payment of up to 15 MCI (in 2020, 1 MCI or monthly calculation index is KZT 2,778 which is equal to approximately USD 6).

Individuals who have lost their income due to the state of emergency will be paid on a monthly basis at a minimum wage rate of KZT 42,500 (including employees who are on unpaid leave).

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Kazakhstan labour legislation provides for the use of reasonable (or less costly)

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alternative working arrangements such as part-time work and remote (home-based) work, as well as temporary transfer to another position. In all workplaces, an additional agenda of measures should be adopted, including providing paid annual leave to employees forced to stay with their children during the forced vacation period and the payment of downtime (if alternative working arrangements prove inapplicable or insufficient) at a minimum wage rate of KZT 42,500 per month (approximately USD 100).

### **Restructuring**

In the event of significant deterioration of the employer's economic circumstances, it is possible to dismiss employees, paying them compensation not lower than one average salary per month.

## **6 Travel**

Kazakhstan renewed two international passenger flights to return Kazakhstan citizens to Kazakhstan and to allow foreign nationals to leave Kazakhstan (Atyrau-Amsterdam, Uralsk-Frankfurt), other directions are still suspended. Railway passenger transportation is also suspended.

Kazakhstan organises charter flights to repatriate its citizens who were abroad and wish to return. On 11 May, a flight was organised from Nur-Sultan and Almaty for foreign citizens wishing to leave Kazakhstan.

Domestic passenger flights which were suspended from the end of March have gradually reopened in key directions starting from 1 May. Flights will be carried out at a lower frequency and with fewer passengers, as well as with enhanced travel safety measures and sanitary standards.

## **7 Discrimination**

Kazakhstan prohibits any employment discrimination towards a worker if he or she contracts or is suspected to have contracted coronavirus.

## **8 Reporting to the authorities**

If you or one of your employees has information about possible or suspected coronavirus infection cases, you or they must notify the sanitary and epidemiological control authority.

## **9 Emergency laws and the implications for businesses**

To support the Kazakhstan economy during the crisis caused by the coronavirus epidemic and the reduction of oil prices, the Kazakhstan Government has adopted the following measures:

- To preserve food reserves, export of first priority goods has been banned.
- The Kazakhstan Government has allocated USD 14 billion for

combatting the coronavirus infection, reducing unemployment and providing support to entrepreneurs, including for other required measures.

- Entrepreneurs and individuals whose activities suffered the most from the introduced restrictions are temporarily exempted from taxes (property tax, land tax, excise tax, VAT, income tax and social payments).
- The list of 'backbone' enterprises that will receive state financial assistance is currently at the approval stage.
- An arrangement has been reached with second-tier banks on deferrals for credit payments by entrepreneurs and individuals (mortgage, consumer credits), and on extension of preferential credit to small-scale and medium-scale businesses.

## **10 Other points**

As of 11 May, Kazakhstan has 5279 confirmed coronavirus cases, 32 fatal, 2108 recovered.

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# Latvia

Last updated:  
8/5/2020

## 1 Restrictions on daily life

The Cabinet of Ministers decision provides that from 24 March 2020 sports centres, gyms and sport halls will shut down completely. Shopping centres will close on weekends. This does not apply to pharmacies, food stores, veterinary stores, gardening and construction materials stores, and optical product stores. Some shops are reducing opening hours on business days.

Until at least 12 May 2020, all theatres, concert halls, libraries and museums are closed. Local cultural centres are shut. Regardless of the number of participants all public events are cancelled and prohibited. Unorganised gatherings of more than 50 people are restricted. The working hours of all places where groups of people gather are limited to 23:00.

## 2 Resuming activity

The state of emergency remains in place until 9 June 2020. The government has announced the following main measures for relaxing the restrictions and restarting business which will be effective from 12 May 2020:

- If it is possible to ensure 2-metre distance between participants, then public events (indoors and outdoors) with up to 25 participants will be allowed.

- Trade centers can fully operate also on weekends.
- Sports activities are allowed if 2-metre distance can be ensured.
- Masks should be worn in public transport.
- Travel will be allowed within the Baltic States.

There are no special regulations in place for employers who are restarting operations apart from the general obligation to ensure social distancing of two metres, where possible. Employers can introduce various measures at their own discretion, such as mask wearing.

Generally, employees cannot refuse to come back to work unless there are clear indications that the working environment is not safe. Disciplinary measures could be applied to employees who do refuse to return to work.

In light of the current circumstances, the employers would be entitled to introduce temperature measuring procedures in the workplace. Employers are also entitled to send an employee for a general health check in the event of suspicion they may be infected. However, a general obligation to provide a negative coronavirus test for all employees would be considered as excessive.

## 3 Data privacy and the use of apps

### *Protecting privacy*

Regular measurement of employees' temperature of could be considered a reasonable measure. Measurement data should be available only to a limited number of employees and should not be publicly available within the organisation.

Reporting obligations can be introduced regarding travel during free time. If an employee has chosen to travel to a destination which requires quarantine, then the employer would not be obliged to pay for this quarantine time (unless the employee works from home).

### *Tracing apps*

Installation of tracing apps could be regarded as excessive intrusion into employees' privacy. It is not advisable to introduce these measures.

## 4 Pay and leave

### *Sickness and quarantine pay*

Coronavirus is no different from any other sickness: regular sick leave regulations will apply. Employee should get a sick leave certificate from a doctor. The first day of sickness is not paid, then you pay for days two to ten. Additional sickness days are paid by the state social security system.

If an employee has no symptoms but stays at home in quarantine, he or she should work remotely where possible. If remote work is not possible, then the payment obligation would depend on whether it was the employee's choice or your order. If you order quarantine, you should continue to pay salary.

If you want to switch an employee to part-time work by reducing his or her salary as a result of adverse business consequences of coronavirus, you can only do so by agreement with the employee.

#### ***Temporary pay support***

On 24 March 2020, the Cabinet of Ministers approved the procedure for paying out idle time compensation to employers in affected industries and other employers whose turnover has decreased by 30% in comparison to last year.

At the moment the idle time period will run from 14 March until 12 May.

The amount of compensation is 75% of the employee's average monthly salary, but not more than EUR 700 per month. This compensation will not be subject to personal income tax and social security contributions and is paid directly to the employee's bank account.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

There is no such concept as temporary layoff, suspension of employment contracts, or similar in Latvian law. It is also not possible to force employees to take their annual leave or unpaid leave. The only exception could be the case where the employee has a large number of unused vacation days accrued from the previous years, in which case the employer could require the employee to use those days.

The only two realistic options are permanent termination or mutual agreement on an acceptable solution, such as use of annual or unpaid leave, temporary reduction of working hours or similar. Permanent termination is also not very practical since the termination notice period is one month during which the regular salary must be paid and severance of between one and four months' salary must be paid depending on length of employment with the employer. Consequently, the best solution would be to sign a mutual agreement on termination of employment. This would allow the employee to immediately apply for unemployment benefits. The mutual agreement could include a commitment to sign a new employment contract under certain conditions.

## ***Restructuring***

Employers are entitled to implement downsizing for economic reasons. The termination notice period is one month during which the regular salary must be paid. Severance payment is between one and four months' salary depending on the length of employment with the employer. No special regulations have been introduced in the context of the coronavirus crisis.

## **6 Travel**

All international passenger traffic through airports, ports, by bus and rail transport is cancelled from 17 March 2020. The movement of persons and vehicles through airport, port, railway and road border crossing points at the EU's external border, as well as at border crossing points intended for local border traffic are banned from 17 March 2020.

Nationals of Latvia and nationals of other countries residing permanently in Latvia can return to Latvia through the above-mentioned border crossing points. Foreign nationals are permitted to travel away from Latvia. Latvian nationals who permanently reside abroad can only cross borders with non-EU states once to return to their country of residence.



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Under the Emergency Order, employers must cancel or postpone business trips abroad as far as possible. In view of the Emergency Order, it is justified and proportionate to ask employees about their travel plans. You should recommend employees avoid travelling abroad by pointing out the consequences if your recommendation is not followed. A general prohibition on employees travelling to specific countries would not be acceptable.

## 7 Discrimination

Any measures you introduce in relation to the coronavirus must be applied in a non-discriminatory manner.

## 8 Reporting to the authorities

You can send employees for mandatory health checks if you suspect they are sick. If infection is discovered, then the authorities will take it from there. There is no general reporting obligation for employers.

## 9 Emergency laws and the implications for businesses

### Taxes

Taxpayers in specific affected industries can defer or split payments for up to three years without late payment interest. Applications should be filed within two months from the due date or from 22

March 2020. Approved VAT repayments will be made within 30 days after submission of a return.

Businesses are not obliged to make advance Personal Income Tax payments in 2020: no late payment interest will apply.

Municipalities can postpone real estate tax payments in 2020.

2019 annual report deadlines are extended for three months.

Tax authority negative decisions for participants in the enhanced cooperation programme can be delayed until 2023 if the participant is affected by the coronavirus crisis.

### Enhanced police powers

The State and Municipal Police will monitor public areas where people could assemble, and react to and assess possible violations. Penalties will be issued for violation of the restrictions on mass gatherings. To assist the State Police controlling violations related to mandatory self-isolation, the State Border Guard will transmit information regarding certificates completed by repatriating individuals to the State Police.

### Justice system

Court hearings during the emergency will only take place in cases of significant infringement of rights and objective

urgency. Documents can only be submitted by mail or email, not in person.

### Liability for non-compliance

Non-compliance with government measures to limit the spread of coronavirus attract administrative or criminal liability and fines up to EUR 350.

### Visas and immigration

Latvian diplomatic missions and consular missions abroad are not accepting any documents in person and will not issue visas while the state of emergency remains in force. Foreign nationals whose period of legal stay in Latvia will end during the state of emergency will be able to leave Latvia without any obstacles.

## 10 Other points

All education institutions are implementing distance learning. Kindergartens will ensure that parents in 'on-duty' categories can work. To receive this service, parents must submit a written statement once a week stating that the family had not been abroad or been in contact with coronavirus infected individuals or their contacts.

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# Lithuania

Last updated:  
13/3/2020

## 1 Safety and hygiene

Before you have any cases of coronavirus in the workplace, you should provide general information to employees on hygiene requirements and precautions. The State Labour Inspection has issued the following guidelines: you should ventilate the workplace regularly; provide sufficient hygiene products (disinfectant, paper towels, soap, etc.); ensure hygiene products are readily available to employees and customers; and regularly clean all surfaces and door handles. You should also prepare your workforce for the possibility of remote working.

If someone falls sick, you should treat it as ordinary sick leave: the employee should contact his or her doctor to get a medical certificate and stay at home. You should consider placing other employees who have been in close contact with the sick employee in quarantine at home and have them work remotely for 14 days.

Keep everyone informed about the measures that you are taking to keep the work environment safe. Avoid unnecessary travel and meetings. If possible, let your employees work remotely if they request to do so. If someone has returned from a high-risk area, you can ask them to work remotely for 14 days. Employees returning from a high-risk area may obtain a medical certificate electronically.

## 2 Testing

You are entitled to ask an employee whether they are infected and if they have recently travelled to a high-risk area. You can do this by introducing a general obligation on all employees to inform you on return from any high-risk areas.

The law obliges employees to provide you with any information that may be important for the employment relationship. Employees should abide by the principles of cooperation and transparency and should therefore let you know if they have been infected or if they have come back from a high-risk area. If an employee refuses to say they are infected, you can send them for a health check and order them to be tested, if you have a reasonable suspicion regarding their health. You should treat the health time it takes to do the health check as paid working time.

## 3 Restrictions on daily life

You are not obliged to let employees work from home if their children's school is closed, though affected employees may obtain a sick leave certificate from their doctor.

Remote work is the preferred option, where possible. Consider introducing a policy where employees returning from high-risk areas are required to work remotely for 14 days. We recommend

having separate rules or agreements with employees on remote work, covering issues such as liability for work safety requirements, confidentiality, recording of working time and reporting.

In terms of quarantining employees, if an employee has returned from a high-risk area, you can instruct him or her to work from home, but if that is not possible, they cannot be forced to stay at home without pay. You can introduce 'idle' time if you cannot provide work to quarantined employees.

You can choose to close the workplace entirely and have everyone work from home if you think this is the best way. If remote work is not possible, this would be treated as paid 'idle' time.

## 4 Pay

In general, coronavirus is no different from any other sickness and the ordinary sick leave rules apply. An employee should obtain a medical certificate from a doctor. The first two days of sickness are covered by the employer and the rest by the state social security system.

If the employee works whilst under quarantine at home, they are entitled to their regular salary.

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## 5 Travel

The State Labour Inspection advises people should avoid business trips to high-risk areas. Employees are entitled to refuse to go on a business trip to a high-risk area, but if, for example, only parts of a country are deemed high risk, they cannot refuse to go on a business trip to those other parts. Note that you cannot prohibit employees from travelling to high-risk areas in their free time, but you can introduce precautions: in particular you can ask them to stay at home for 14 days upon their return.

## 6 Discrimination

Any measures you introduce in relation to the coronavirus must be applied in a non-discriminatory way.

## 7 Reporting to the authorities

There is no general reporting obligation on employers. A hotline run by the National Centre for Public Health is available to anyone who is concerned about the virus. You can send employees for mandatory health checks if you suspect they are sick. If an infection is discovered, the authorities will take the appropriate measures.

## 8 Advice from the authorities

The following official recommendations currently apply:

- You should carefully consider if business trips to high-risk areas are necessary.
- Employees returning from high-risk areas should be given the opportunity to work remotely even if they do not have any symptoms. Alternatively, they may request sick leave.
- If you suspect an employee could create a risk for other employees or clients, you should ask him or her to work remotely for 14 days.
- You should give employees recommendations on personal hygiene precautions and make hygiene products available.

## 9 Other points

You have an obligation to ensure safe working conditions for all your employees. If you fail in this and it leads to a tangible risk to the health and safety of your employees, they are entitled to refuse to work but at the same time, you must continue to pay them at the normal rate. This means it is very important to take precautionary measures.

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# Luxembourg

Last updated:  
11/5/2020

## 1 Restrictions on daily life

The Prime Minister officially announced the closure of Luxembourg schools from 16 March 2020. Private gatherings are now allowed at home or outdoors for a limited number of people, see [here](#).

Masks or any other face coverings are mandatory:

- on public transport and for activities welcoming the public;
- for all other activities and services if a two-metre distance cannot be respected, unless more restrictive specific provisions apply;
- in all constitutional and judicial courtrooms if the two-metre rule cannot be respected.

The national police will enforce and monitor these rules. Fines still apply for non-compliance with the remaining restrictions, in particular the two-metre distance and mask wearing.

## 2 Resuming activity

On 15 April 2020 the Luxembourg Government announced a gradual exit from lockdown, specifying that resumption of activities will be accompanied by strict barrier gestures and the mandatory wearing of a mask or similar face covering if the two-metre

safety distance cannot be guaranteed. The Government is planning large-scale screening based on a voluntary diagnostic test accessible to the population.

Phased reopening of businesses started on 20 April and continued on 24 April, 4 May and 11 May. All commercial activities and in the service and craft sector are reopened except bars and restaurants (take out, drive-in and home delivery services are allowed), cinema (open-air drive-in cinemas are authorised), fitness centers, amusement parks, indoor games and entertainment, gambling, fairs and shows. Travel to public services and for self-employed professionals is now authorised. Non-emergency medical, veterinary, dental and psychotherapy visits are permitted. Cultural establishments including libraries, museums, galleries and archives are now accessible to the public. Secondary school and vocational training students have returned to school.

Organisations are encouraged to continue to promote teleworking throughout the exit from lockdown, whenever possible. If you must remain open or if you are authorised to restart activity and some or all employees cannot telework, you have a duty to ensure their safety and health (both those returning from risk areas and employees who have not travelled but who may be infected with coronavirus) in the workplace and in work activities.

You must take measures to protect employees' health and safety and improve conditions to tackle the epidemic:

- Avoid coronavirus-related risks to employees' health and safety, and assess any risks that cannot be avoided. Based on these assessments, determine what measures you can take to reduce risk to employees.
- Inform and train employees, in collaboration with staff representatives, about health and safety risks, precautions, protective equipment and clothing, and hygiene. Signs must be posted, pointing out risks and preventive measures during the epidemic.
- Workstations and other areas in which employees work should be arranged, cleaned and disinfected to minimise risk, and protective equipment must be provided to ensure the protection of employees.
- Employees must be provided with appropriate bathroom facilities, with access to running water, soap, and disposable paper towels, or disinfectants.
- Ensure that employees respect appropriate physical distances; or failing this, ensure that employees wear masks or other face coverings

and, if necessary, other personal protective equipment. The Government is providing companies with five masks per employee free of charge.

For more details see [here](#). Two new employee's obligations have been added to the Labour Code existing obligations. The first is a duty to use protective equipment and clothing provided correctly within the context of these exceptional circumstances and follow required hygiene measures. If there are reasonable grounds to believe there is a serious and immediate danger to health and safety in the workplace related to the epidemic, employees must also report it immediately to the employer or designated health and safety representatives. The Labour Code authorises employees to leave their workstation or dangerous areas in the event of 'serious, immediate danger which cannot be avoided'. In this case, the employee's refusal to work is not considered a fault and cannot be penalised. An employee cannot refuse to come back to work if you took the appropriate measures to protect the health and safety of employees.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

The following CNPD (data protection authority) recommendations apply:

- Ask employees to make individual reports of information concerning possible exposure, to you or to the competent health authorities.
- Facilitate the transmission of information by setting up dedicated channels to guarantee data security and confidentiality.
- Favour remote working and encourage the use of occupational medicine.
- In the event of a report, record the date and identity of the person suspected of having been exposed and the measures taken (containment measures, teleworking, contacting the occupational medicine service, etc.).

You should not collect information on possible symptoms presented by an employee or their relatives in a systematic and generalised manner, or through individual inquiries and requests. Any data processing in the context of preventing the spread of coronavirus must guarantee the security of the data, particularly health data. The identity of individuals concerned must not be disclosed to third parties or to their colleagues without clear justification.

#### *Tracing apps*

The Luxembourg Government is reluctant to support the development of a

coronavirus tracing app nationally because of the threat to employees' fundamental rights (violation of medical secrecy, privacy, stigmatisation of sick people). It should not be possible to impose the use of digital tracing applications and you should only implement a voluntary system, in compliance with the GDPR and national personal data protection rules. You should not be automatically informed of any notification received by your employees. You can request employees inform you when they receive a notification of possible exposure, based on their duty of loyalty and their obligation to take care of their health and safety and that of other people.

You cannot refuse access to the office to an employee or stop salary payment on the sole ground that he or she refuses to install the application (unless if you have serious suspicion of coronavirus infection, access to the office can be refused but salary must be paid. If the app alerts you that an employee must stay in quarantine for two weeks, the employee is still entitled to be paid even if you ask him or her to leave work. You must offer work from home if possible, or suggest taking holidays (you cannot impose this unilaterally). Failing that, grant him/her a paid exemption from work. To implement an app, you must also comply with the applicable legal procedure involving information or joint decision (in companies with 150 plus employees) from the staff delegation.



## 4 Pay and leave

Luxembourg Government exceptionally authorised employees to take extraordinary family leave to care for children due to the closure of educational facilities. In order to benefit from the leave for family reasons:

- the employee must be affiliated to the Luxembourg social security system (including non-residents), and;
- he or she must be parent of one or more children under the age of 13 (parents of children aged 13 and over cannot benefit from the leave for family reasons);
- the child(ren) must be affected by the temporary closures of (Luxembourg or foreign) structures for primary and secondary education, vocational training, childcare, etc.

Leave for family reasons cannot be accumulated with other measures that allow parents to stay at home (e.g. if one parent is on short-time work, the other is not entitled to take extraordinary family leave, especially if they are in a critical employment role). [More details.](#)

### ***Sickness and quarantine pay***

If you require an employee to stay home from work (outside of short-time work),

the Luxembourg government has taken the view that this 'uncertified quarantine' cannot be counted against statutory leave without the employee's consent and you will have to bear the cost (e.g. by granting an exemption from work or additional leave to the employee concerned). If the employee provides a doctor's certificate of illness, he or she is paid directly by the National Health Fund (CNS) during the period between the first day of the month following the declaration of the state of crisis and the end of the calendar month during which the state of crisis will end (derogation from article L. 121-6 of the Labour Code).

### ***Temporary pay support***

*Short-term employment due to force majeure:* The Employment Fund can cover 80% of the normal salaries (capped at 250% of the minimum social wage for unskilled employees, i.e.: EUR-.5,354.97) for a maximum of 1,022 hours per year and per employee.

*Extraordinary leave for family reasons:* The Joint Social Security Centre ('Centre commun de la sécurité sociale', CCSS) will pay an advance on financial compensation for this leave granted to parents concerned. The aim is to advance a substantial part of the reimbursement of salaries that employers must continue to pay to these parents which would normally only be made in May 2020 through the Employers' Mutual Insurance Scheme.

*Support for independent professional artists and intermittent workers in the entertainment and cultural sector:* The Government will grant additional social aid, guarantee subsidies for cancelled projects and grant short-time work benefits to employees in the sector.

## 5 Reduction of activity and restructuring

### ***Reduction of activity***

To reduce activity, an employer can

- Apply for short-time working or employee layoff (the first option excludes the second). For details of short-time working see [here](#).
- Change the employee's working time, remuneration and/or duties by mutual agreement. As these are essential elements of the employment contract, the employee's must consent.
- Exempt the employee from work. The employer must continue to pay the employee in this case.
- Ask the employee to take paid annual leave or other compensatory rest provided for by law. The employer cannot impose this and the employee's agreement is required for the major part of that leave/rest.

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## Restructuring

Employers can implement individual or collective redundancies for economic grounds to downsize or restructure except if they are covered by a short-time working measure, which requires an undertaking not to dismiss people on non-personal grounds. Some deadlines applicable for collective redundancies have been suspended for the duration of the state of emergency.

## 6 Travel

Third-country nationals cannot longer enter Luxembourg until 15 May 2020 included. Derogations apply, for example for cross-border workers and travel to Luxembourg urgent and justified family reasons. Citizens of the EU, UK, and Schengen area countries and their family members are exempted from this restriction, if they are travelling in order to return home. To facilitate the entry of frontier workers into Luxembourg during possible border controls, the Luxembourg Government has drawn up certificates attesting to the employment relationship with the employee. For more details see [here](#). For the duration of the coronavirus crisis the validity of visas and authorisations to stay which expire after 1 March 2020 are extended. Third-country nationals not subject to visa requirements whose stay has just exceeded 90 days can lawfully remain in Luxembourg. Applications for visas and issuance of passports are suspended.

## 7 Discrimination

Any direct or indirect discrimination based particularly on membership or non-membership, true or supposed, of a nationality, race or ethnic group is prohibited. This means it would be appropriate for you to be vigilant with regard to discriminatory behaviour related to employees of an origin connected to a country deemed to be 'at risk'.

## 8 Reporting to the authorities

The authorities have not required specific reporting (except for requiring a report of the number of hospital beds occupied by new coronavirus patients).

## 9 Emergency laws and the implications for businesses

The Government has introduced exceptional tax and social aid for businesses, including:

- cancellation of tax advances for the first two quarters of 2020 for the self-employed, SMEs and large enterprises;
- automatic four-month deferral of payment of installments for income, municipal business and wealth taxes (self-employed, SMEs and large enterprises);

- deferral of tax return filings (self-employed, SMEs and large enterprises);
- increased flexibility in payment of social security contributions (self-employed, very small enterprises, SMEs and large enterprises).

Almost all court hearings are suspended. In addition, a Grand-Ducal Regulation drawn up by the Ministry of Justice suspended time limits in jurisdictional matters and adapted other procedural arrangements.

## 10 Other points

A derogation on legal working hours or duration in any applicable collective agreement means maximum working hours may be extended to 12 hours per day and 60 per week for activities essential to the maintenance of the vital interests of the population and the country (paragraph 2 of Article 3 of amended Grand-Ducal Regulation of 18 March 2020 and those in the paragraph 1 of 5 of the Regulation). The information here is correct as of 11 May 2020. The situation is evolving fast and could change rapidly.

Recommendations of the [Luxembourg government](#) and of the National Commission for Data Protection ([French](#) & [English](#))

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# Malta

Last updated:  
13/3/2020

## 1 Safety and hygiene

You should take simple precautions to protect employees' health and safety.

- Limit work trips to high-risk zones. Use telephone or videoconferencing where possible instead.
- Educate staff without causing panic. For example, send emails or display posters outlining the current situation and government advice.
- Provide tissues and hand sanitiser and encourage their regular use. In particular, encourage staff to wash their hands or use hand sanitiser on arriving in the building after using public transport and after coughing or sneezing.
- Regularly clean frequently touched communal areas, including door handles, kitchens, toilets, showers, and hotdesk keyboards, phones and desks.
- Ensure that anyone with coronavirus symptoms (cough, sore throat, fever, breathing difficulties, chest pain) does not come into work. If they have recently travelled back from a high-risk zone or have had contact with someone who has (or with someone infected with the virus), they should see a doctor and get a diagnosis. They should not return to work until all

symptoms have gone.

- Keep the situation and government guidance under review. If the situation worsens, employers may have to take additional measures such as minimising all work-related travel.
- Consider allowing high-risk individuals (including individuals above retirement age) to work from home, particularly if there confirmed coronavirus cases near the workplace.

## 2 Testing

You can ask an employee whether they are infected and whether they have recently travelled to a high-risk area. An employee cannot refuse to tell you if he or she is infected with the coronavirus . If they do refuse, you should assume they are infected and ask them to stay away from the office. You cannot force an employee to get tested for coronavirus but should instead contact the authorities and they will discuss the matter with the employee concerned.

## 3 Pay

Whilst we know that the risk of catching coronavirus in workplaces in Malta is currently low, the usual pay entitlements and sick leave entitlements in the Wage Regulation Orders, the Special Leave Regulations of 2007 or in any collective agreements applicable to an employee

will apply if someone has contracted coronavirus .

You and the employee may agree that the quarantine period should be counted as vacation leave in situations where:

- An employee is not sick but you tell them not to come to work as a precaution, for example, because they have returned from China since the virus started (so-called voluntary quarantine); or
- The authorities of a country require that an employee stays in quarantine (such employees who have been on lock-down on a cruise ship, etc.) because the employee has travelled to high-risk or infected areas; and
- The employee cannot work remotely.

This needs to be agreed by both sides. The second alternative (which splits the financial burden between the parties) is to apply sick leave rules to this situation. This makes sense if you consider that the fundamental principle of sick leave is that the individual is 'unfit for work'. The third solution would be paid special leave, which would be granted over and above legal entitlements.

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## 4 Travel

A concept which is gaining traction in the employer community is that if an employer sends an employee to a low-risk zone, which suddenly becomes high risk, the employee's quarantine should be treated as fully paid special leave, since the employee did not choose to travel. In cases where employees insist on going to high-risk zones despite a recommendation not to travel to those zones, employers are within their legal rights not to pay for any resulting quarantine periods.

Besides what is mentioned above, many employers are asking employees to restrict their travel to affected zones for work only and other employers are also extending the risky zones as a result of health and safety obligations, especially to zones which are adjacent to or touching high-risk areas.

## 5 Reporting to the authorities

If a suspected coronavirus case is discovered in the workplace, you should report the matter to Mater Dei Hospital or to the COVID hotline immediately, for the person to be tested. If an employee does have the virus and was at work, you must vacate the property immediately and disinfect prior to reopening the doors.

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# Mexico

Last updated:  
8/5/2020

## 1 Restrictions on daily life

In the evening edition of the Federation's Official Gazette of 30 March 2020, the National Health Council issued a resolution declaring the coronavirus epidemic a sanitary emergency due to force majeure.

As a result, the Ministry of Health initially ordered the immediate suspension from 30 March to 30 April 2020 of all non-essential activities in the public, private and social sectors. On 21 April, the Ministry of Health extended the suspension to 30 May. This extension included a mandated closure of schools until 30 May on the understanding that this does not give parents an automatic right to be absent from work or employers an obligation to grant paid leave, but they can choose to do so.

Only essential activities necessary to deal with the sanitary emergency are allowed to keep operating, including medical, paramedical, administrative and support services throughout the public and private health sector; pharmaceutical industry both manufacturing and distribution (pharmacies); manufacture of supplies, medical equipment and technologies for health care; those for public safety; legislative activity; essential sectors for the functioning of the economy such as financial services, distribution and sale of energy, gas and gas stations, generation and distribution of drinking water, food and non-alcoholic beverages, supermarkets, self-service stores,

grocery stores and sale of prepared foods, passenger and cargo transportation services, agricultural production, chemical, cleaning products, hardware stores, courier services, private security guards, telecommunications and media, among others.

Isolation at home should be strictly applied to individuals aged over 60 or with a diagnosis of high blood pressure, diabetes, heart or lung disease, immunosuppression and pregnant women regardless of whether their work activity is considered essential or not. If these individuals are engaged in essential activities that must remain operating, they must be sent home with full payment of salary and benefits.

In addition, state and municipal governments are now able to set restrictions in their regions/municipalities on top of those already imposed by the federal government, mainly related to population movement.

Under Mexican federal labour law, employers must comply with any emergency and preventive measures that are imposed resulting from a health or environmental emergency, such as closures of workplaces, schools, public buildings or even quarantine.

## 2 Resuming activity

At the date of writing (6 May 2020), it is expected that all activities in the public, private and social sectors will resume on 1 June, including academic activities.

It has been announced that some regions with limited or no outbreak of coronavirus may be subject to a shorter extension to 18 May 2020 only and may therefore resume activities earlier. It is not yet known which regions, cities or municipalities will be subject to this shorter extension: this will be assessed by the Ministry of Health before 18 May.

Once the suspension of non-essential activities and lockdown have ended, the Ministry of Health, together with the Ministry of Economy and the Ministry of Labor, will issue guidelines, measures and requirements to be observed for a staggered return to labour, academic, economic and social activities.

In any event, it is expected that current Ministry of Health guidelines will still apply when activities resume. The Safety and Hygiene Committee will be responsible for continuing implementing these measures and for communicating with employees along with the Human Resources department.



They include the following:

- Wash hands frequently with soap and water or use 70% alcohol-based gel.
- When coughing or sneezing, use a disposable tissue or the inside of your elbow.
- Avoid spitting: if necessary use a disposable tissue, put it in a plastic bag, tie it, throw it away then wash your hands.
- Do not touch your face with dirty hands, especially nose, mouth and eyes.
- Clean and disinfect surfaces and objects in heavy use in homes, offices, closed places, on public and private transport, meeting venues, etc. Ventilate and allow sunlight to enter. Anyone with flu, fever or joint pain that persists for more than a week should see a doctor.

Employers are legally allowed to ask employees to undergo medical examinations and employees are legally obliged to undergo these examinations. These include but are not limited to temperature checks. Refusal may be construed as a ground for dismissal. Employees can certainly be asked at any time whether they have recently travelled to a high-risk area or whether they have been in contact with an infected person.

If an employee is suspected to be sick, he/she can be instructed to attend a clinic of the Mexican Institute of Social Security ('IMSS') for an assessment. If sick leave is not granted, the employee must return to work.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

It is important to ensure employees are issued with a privacy notice that includes treatment of sensitive information such as results of medical examinations. Issuing a privacy notice is a legal obligation for all employers in Mexico.

#### *Tracing apps*

Installing an app should be on a voluntary basis. Under Mexican health regulations and according to government declarations issued related to the pandemic there is no legal basis to compel employees to install an app. This implies that employees who refuse to install it may not be legally denied access to work nor have their salary stopped.

If an employee voluntarily agrees to install the app we recommend having him/her agree to certain terms and conditions of use for the app which may include allowing the employer to be alerted when an employee receives a notification. However, if as a result of a notification the employer quarantines the

employee for two weeks, the employee would be entitled to receive full pay as this would have to be treated as a paid leave of absence.

## 4 Pay and leave

### *Leave*

If an employer providing essential services remains operating, any employee suspected of being sick may be required to stay away from work, however, employees will be entitled to full pay, as this will have to be treated as full paid leave of absence. This leave can count towards holiday entitlement if the employee agrees to it.

### *Sickness and quarantine pay*

If an employee is infected, payment will follow the same rules as a general illness certified by IMSS. The IMSS must issue a sick leave certificate to the employee, ordering sick leave or quarantine. The certificate must clearly specify the start and end date of the leave. When a sick leave certificate is issued, employers must pay the first three days of the leave in full. From the fourth day onwards, IMSS will pay a daily subsidy of 60% of the salary reported to IMSS. There is no legal obligation for the employer to pay the remaining 40%.

### ***Temporary state support for pay***

The Federal Government has not implemented any support programme and has not announced any potential financial aid from an employment standpoint.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

It is possible to negotiate with unions and/or employees around changes in the agreed terms and conditions of employment to preserve employment and employment relationships and this is recommended.

These measures must be agreed upon and may not be implemented unilaterally by the employer as it will trigger a constructive termination that will entitle employees to statutory severance.

Measures that may be agreed include the following:

- reduction in salary and work schedule;
- reduction of statutory benefits to minimum required levels;
- anticipated vacation entitlement.

Measures will depend on your main activity and must be assessed on a case-by-case basis, taking into consideration

any collective bargaining agreement in force.

Although the declaration of sanitary emergency requires an immediate suspension of non-essential activities, its scope does not imply the legal suspension of employment relationships. This should be interpreted to mean that there must not be any adverse effect on the payment of salary and benefits.

### ***Restructuring***

There are no legal restrictions on restructuring or staff reductions. Terminations can be carried by paying full severance, for cause or as otherwise agreed. Whether trade unions or other external bodies can impose restrictions on restructuring depends on the specific provisions of CBAs. In any event it may be wise to confer with the relevant union to reassure those concerned that employees will be treated in accordance with the law.

Workforce reductions may be carried out in a single day but it mostly depends on the number of employees and the terms and conditions agreed to. To achieve this, severance calculations must be made per employee and at the termination date. As previously stated, consultation with unions depends on the terms of the applicable CBA.

In general terms, staff reductions or any other type of measures including but not limited to furloughs, may be undertaken

as long as an agreement is reached with the relevant union or group of employees and full severance is paid or an alternative monetary arrangement is agreed upon.

## **6 Travel**

Considering that a sanitary emergency has been declared, you can certainly ask employees to refrain from travelling to a high-risk area but cannot oblige them to do so. However, most critical risk areas have closed their borders and travel to these areas is banned.

## **7 Discrimination**

No individual in Mexico may be discriminated against for being infected. If an employee is discriminated against because of this, you could be liable to pay legal severance triggered by a constructive dismissal attributable to the employer.

## **8 Reporting to the authorities**

At the time of writing, there are no statutory reporting obligations related to coronavirus.

However, if an employee is sick or has been diagnosed with the coronavirus by a private physician, we advise you to inform IMSS immediately by directing the employee to the appropriate clinic. It is important to check whether employees have been issued with a privacy notice, see item 3.

## 9 Emergency laws and the implications for businesses

Please see 1 above for details of the sanitary emergency and its implications.

No aid or programmes have been implemented currently by the government related to tax benefits or to employment-related benefits for employers or employees.

The sanitary emergency does not include any changes to the justice systems nor any other relevant measures other than those set out in 1 above.

## 10 Other points

The Federal Government is holding daily press conferences at 19:00 (CST) to provide a general overview of the situation in Mexico (i.e. number of confirmed cases, deaths or any other particular issue), as well as to announce any relevant preventive or mandated measures before being published in the Federation's Official Gazette.

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# Netherlands

Last updated:  
12/5/2020

## 1 Restrictions on daily life

The 'intelligent' lockdown in the Netherlands remains in place. People must keep at least 1.5 metres distance from others when going outside. Public gatherings of more than two people are not allowed, unless a 1.5-metre distance is observed. People are encouraged to work from home as much as possible, to avoid crowded areas and not to use public transport unless for a compelling reason. People showing symptoms of a cold or the flu, such as sneezing, sore throat or fever, must stay home until their symptoms are gone. Shops and supermarkets were always allowed to remain open provided they do not allow for more than one customer per 10m<sup>2</sup> and 1.5-metre distance is maintained between customers and shop employees. Although some public spaces are resuming activity (see 2 below), all restaurants and bars remain closed (or open for take-away or delivery only), as well as gyms and other public (cultural) spaces. Public events are cancelled at least until 1 September 2020. Marriages and funerals may take place with no more than 30 people in attendance. This also applies to religious gatherings.

## 2 Resuming activity

The Dutch government has recently announced that measures will be lifted slowly in the next few months, starting on 11 May 2020. From 11 May, contact professions, such as hairdressers and

physiotherapists, were allowed to reopen. Libraries can reopen, as well as campsites and holiday resorts, provided that the sanitary facilities (showers, toilets etc.) remain closed. Primary schools and children's day-care have also resumed activity from 11 May, under the restriction that children will attend at least 50% of their school hours. This means parents working from home will have more time during the week without children home.

From 1 June 2020, restaurants and bars can open their terraces and allow up to 30 people inside, as long as 1.5-metre distance is maintained. Cinemas and other cultural institutions are allowed to reopen, with no more than 30 people allowed inside and the 1.5-metre distance is observed. The use of public transport remains discouraged but if used, people must wear an 'unofficial' facemask when travelling.

Starting 1 July 2020, the 30-person restriction for restaurants, bars, cinemas and other cultural institutions will be raised to 100 people. Campsites and holiday resorts can make their sanitary facilities available again. The government has announced that it expects to lift the measures on gyms, saunas and casinos on 1 September 2020 and for all sports competitions to resume.

All of the above is under the explicit precondition that the decreasing trend in the number of infections continues.

## *Obligations for employers upon reopening*

The instruction and strong advice remains that people should work from home if and when possible. Where this is not possible, employers being allowed to reopen must do so observing their statutory general duty of care, which means you must ensure employees have a safe and healthy (work) environment. In addition, the RIVM (the Dutch National Institute for Public Health and the Environment) provides general advice regarding safety and hygiene. You should obtain sufficient information from the RIVM and act accordingly. This includes giving proper instructions on regularly washing hands, coughing or sneezing into the elbow, only using paper towels etc. If an employee feels unwell, you should instruct him or her to stay at home and work remotely if possible. The use of an (unofficial) face mask is not mandatory (for non-medical professions) and it is for the employer to decide if this is to be worn at work.

Most importantly a policy must be implemented to secure the social distancing obligation by the employees regarding their colleagues and their customers. Employers must enable employees to work at least 1.5 meters apart. If this is not reasonably possible, other protective measures such as the installation of acrylic glass walls/panels should be taken. Depending on the type of business, other measures may be required, such as:

- Limit business trips;
- Provide employees with up-to-date information on the governmental measures and how these are implemented;
- Provide sufficient hygiene products and, if necessary, protective products;
- Make sure that frequently touched objects and surfaces are cleaned sufficiently;
- Assess whether certain (groups of) employees have a higher risk of contamination and take additional measures, if necessary;
- Ensure employees follow the instructions and act on it if they do not.

Employers as well as unions are preparing coronavirus protocols on a sector level. We strongly recommend you include coronavirus protocols in the RI&E risk assessment and evaluation that all employers are obliged to have in place, or, where applicable, in health & safety documentation and submitted to the Labour Inspection for approval. You should verify whether a coronavirus protocol is in place within your industry: if so, this needs to be observed. If an employee is infected by the coronavirus, he or she must be sent home immediately. Further, the employee must

contact the family doctor by phone who will contact the municipal health service (GGD). For the rest, normal sickness rules apply, such as involving the company doctor. As employer you must inform the other employees about measures taken with regard to infected employees (on a no name basis). All employees who have been in direct contact with infected employees during the incubation period, should be sent home to work remotely, provided their home office meets the health and safety requirements. If an adequate home office is not available, you could be forced to send the employee home without any obligation to work, for example for the quarantine period, currently set at 14 days. If a suspicion arises that an employee has been infected with the coronavirus, you are not allowed to (medically) test an employee. This must be done by the GGD, contacted through the family doctor (see above).

### 3 Data privacy and the use of apps

Under privacy legislation you have sufficient reason to ask an employee whether he or she might be infected if the employee shows any coronavirus symptoms, because otherwise you cannot guarantee a safe and healthy work environment in the event of an infection. Employers must take into account an infected employee's privacy rights. This means you can only notify staff about the illness if there is a real risk

of infection. Even then, employees should share as limited details of the infected employee as possible. Disclosing the employee's name should be done with reticence. Dutch privacy law in principle prohibits employers from processing data about a sick employee's symptoms or diagnoses including during the coronacrisis. However, the employer also has the obligation to prevent health damage to personnel and secure a safe work environment which means that there are conflicting rights and obligations. Given the lack of case law, we do not know how a court will balance these rights and obligations in this specific situation, but believe that employers can process employees' health related personal data for the purpose of (in short) preventing health damage, for example if there is a genuine risk of an employee infecting others with the coronavirus.

#### **Tracing apps**

The Dutch government has tested several apps that could aid in preventing the spread of the coronavirus, for example by notifying people contacts of individuals infected with coronavirus. No app has been officially published though, as all tested apps did not pass the tests. It is not expected that an app will be approved in the short term. If an app is made available, it will not be mandatory to install it. You could not compel employees to install the app, nor could you deny employees access to the office if they do not install the app.



Employees will be free to choose whether or not they install the app. Employees that have chosen to install the app and receive a notification that they may have been close to someone infected with the coronavirus will also not be obliged to inform you of the notification. Depending on what the notification will entail, it will very likely be considered personal data under the GDPR. Requiring employees to report any notification to the employer will be considered processing an employee's personal health data, which is not allowed under Dutch privacy laws.

#### 4 Pay and leave

Employees able to work from home are entitled to do so whilst remaining entitled to salary payment. Employees unable to work from home who must be home to care for their child(ren) are likely entitled to do so while remaining entitled to salary due to the employer's duty of care and ability to apply for the NOW fund described below.

##### ***Sickness and quarantine pay***

If an employee is infected by the coronavirus, he or she will have the same protection as any other employee on sick leave (entitlement to salary etc.).

##### ***Temporary pay support***

Employers can apply for the 'Noodfonds Overbrugging Werkgelegenheid' ('NOW'), an emergency fund that provides for a

compensation of up to 90% of an employer's total wage bill. The compensation amount is linked to the percentage of loss of turnover. The current conditions are as follows:

- An expected loss of turnover of at least 20% during a period of three consecutive months. Regardless of the time of the application, loss of turnover from 1 March 2020 can be taken into account. Employers may choose a period of three consecutive months starting 1 March, 1 April or 1 May.
- The compensation received is aimed to contribute to (part of) the wage bill over the months of March, April and May 2020.
- During this three-month period (March, April, May 2020), no employees are to be made redundant for business economic reasons. Doing so nonetheless will result in a decrease of the final compensation amount to be received, topped with a 50% extra penalty.
- Employers must make an effort to continue paying 100% of their employees' wages during the compensation period, including that of fixed term employees and/or temp workers, etc.

- As soon as an allowance for wages has been granted, the UWV will initially provide an advance of 80% of the allocated allowance. At a later stage, it will be determined what the actual decline in turnover was, for which an audit report is required;
- The current NOW scheme can be applied for until 31 May 2020.

The government has announced that the NOW scheme will be extended by an additional three months. The extension is likely to have additional conditions for employers, but details of these have not been announced yet. There is also some discussion around the possibility of lifting the obligation not to make any employees redundant during the additional three-month period. Final decisions around this will be made soon.

#### 5 Reduction of activity and restructuring

If an employer receives NOW-support, it is restricted in initiating redundancy programmes. Additionally, the reduction of the number of 'flex' workers (fixed-term or on call contracts) during that same period will have a negative impact on the maximum amount of compensation to which they are entitled and may result in an obligation to partially repay these funds. Apart from the penalty for redundancies under the NOW scheme, the regular restructuring process remains in effect. The UWV will, in addition to the

already requested well-substantiated business case, require a solid explanation of why there is a need to resort to redundancies while there is the option to make use of the NOW, when assessing dismissal requests.

## 6 Travel

As far as business trips are concerned, you should comply with the travel advice published and constantly updated by the Dutch Ministry of Foreign Affairs. On top of that, employees are allowed to refuse to travel to risk areas if the local working conditions do not comply with the regular health and safety requirements under which they usually work. It may be advisable to repatriate employees who are currently in risk areas because of a business trip or who are temporarily working in this area on your orders, because the situation there is no longer safe.

For frontier workers from the Netherlands who have to travel to Belgium or Germany for work, special rules have been imposed. For Belgium, a Belgian certificate proving the need to cross the border must be completed by the employer and the employee.

In addition, frontier workers 'in vital sectors and crucial professions' can make use of a sticker ('vignette') to make it easier for them to cross the border between Belgium and the Netherlands. This vignette can be obtained from the

[Belgian authorities](#). It must be printed and stamped with the stamp of the employer or institution that justifies the essential border crossing.

For Germany, frontier workers have to be able to prove that they travel to work in Germany. A special form can be downloaded from the [German police](#).

## 7 Discrimination

Please note that the fact that an employee is infected by the coronavirus or may show symptoms, cannot affect the employment relationship. It never creates the possibility of terminating an employment contract. Besides, a sick employee in the Netherlands is protected against dismissal for a period of 104 weeks.

## 8 Emergency laws and the implications for businesses

The government has taken various other financial measures to assist Dutch companies. For example, companies can more easily apply for deferment of tax, after which the Tax and Customs Administration will immediately stop collection. This applies to income, corporate, wage and turnover taxes (VAT). Tax fines are reduced to nil.

An emergency service point has also been set up. There, the most severely affected small and medium-sized companies can apply for a grant of EUR

4,000, with which they can meet their greatest financial need. The government has also made bank loans and bank guarantees more accessible to companies.

## 9 Other points

Rules and regulations may vary between businesses and geographical areas and are in any event subject to frequent change. We therefore recommend you always verify the current status of the above before any final decisions are made within your business.

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# New Zealand

Last updated:  
7/5/2020

## 1 Restrictions on daily life

The New Zealand Government has implemented a four-level COVID-19 Alert System, which specifies the public health and social measures required at four Alert Levels, such as escalating restrictions on human contact, travel and business operations.

On 28 April 2020, New Zealand moved out of Alert Level 4 and into Alert Level 3, initially for a two-week period until 11 May 2020 when the Government will review this and make further decisions.

Currently under Alert Level 3, school students should be distance learning from home where possible. However, schools in New Zealand are open for younger students (school years 1-10) who cannot stay home or learn at a distance, with safety measures such as physical distancing in place.

Businesses that require close personal contact, such as hairdressers, retail stores (with the exception of those providing necessities) and gyms, are not currently permitted to open. Other businesses, such as takeaway businesses providing contactless pick-up and delivery, construction sites and real estate agencies, can now resume work but must adhere to safety measures to prevent the spread of coronavirus, including physical distancing. Individuals should work from home if they can, even in workplaces that remain open.

The situation is evolving and employers must keep up to date with the [advice issued by the Government](#).

## 2 Resuming activity

Currently under Alert Level 3, personal movement and interactions remain limited.

Businesses must self-assess their ability to keep workers safe, limit interaction with customers and prevent the spread of coronavirus. All businesses that are permitted to resume operations must have a coronavirus safety plan setting out how they will operate safely.

In addition, employers in New Zealand have an existing and continuing duty to ensure, so far as reasonably practicable, the health and safety of employees. Employers must ensure all appropriate hygiene and safety measures are in place, such as requiring strict personal hygiene practices, frequent cleaning and appropriate personal protection equipment.

An employer cannot force an employee to have a medical examination or test. However, many employment agreements provide that the employer can request an employee to undergo a medical examination in certain circumstances.

## 3 Data privacy and the use of apps

### *Protecting privacy*

Employers' obligations in relation to employees' privacy and collection of information will be governed by the Privacy Act 1993 and, in many cases, relevant policies and contractual provisions.

Generally, employers will be able to ask employees whether they are infected and whether they have recently travelled overseas to the extent those questions have a reasonable basis, are connected with the employer's operations, and are not unfair or discriminatory to the employee.

Employees have a duty to take reasonable care that they do not adversely affect the health and safety of others while at work. They also have a duty to be responsive and communicative with their employer about employment matters.

### *Tracing apps*

The New Zealand Government has been yet not implemented a tracing app.

## 4 Pay and leave

### *Sickness and quarantine pay*

Where a workplace is closed due to government restrictions, payment of employees will depend on the particular circumstances, including whether or not the employee is able to work from home, contractual provisions and other agreed arrangements that may be put in place.

An employee who is sick, or whose spouse or dependent is sick, can take paid sick leave. Employees have a statutory entitlement after six months' service to five days' sick leave per year, may accumulate up to 20 days, and may agree with their employers to take sick leave in advance. Employers can provide employees with more sick leave than the statutory entitlement and some employees have a contractual entitlement to more.

If an employee's sick leave entitlements are exhausted, he or she may, with the employer's agreement, use annual leave. Employers could also agree to allow the employee to use annual leave in advance.

Where employees cannot report for work because they are in Government-imposed quarantine, they may not be entitled to payment. However, employers are required to put in place alternative ways of working and consult with the employee about whether they wish to use their sick leave or annual leave

entitlements. If employees perform their normal work from home, they are entitled to be paid.

### *Temporary pay support*

The Government has announced an economic package to combat the effects of coronavirus, which includes a wage subsidy scheme (which is available to all employers, contractors, sole traders and self-employed persons, registered charities and incorporated societies) and a leave support scheme. Further details can be found [here](#).

## 5 Reduction of activity and restructuring

### *Reduction of activity*

There is no general or statutory ability to stand down employees under New Zealand law. However, depending on the specific circumstances of each case there will be a range of options available for most employers if there is a need to reduce or cease activity as a result of coronavirus. Employers cannot generally unilaterally suspend employment agreements, or temporarily lay off employees or require employees to agree to a reduction in work hours and salary

### *Restructuring*

The legal obligations that usually apply in respect of downsizing and restructuring will apply to employers needing to make

changes as a result of the impact of the coronavirus crisis, for example employers must point to a genuine business rationale for the changes, ensure a fair process and comply with the duty of good faith.

However, depending on when they applied for the scheme, employers who are recipients of the Government's COVID-19 wage subsidy may not be able to make employees redundant during the 12-week subsidy period.

## 6 Travel

Currently, under Alert Level 3, inter-regional domestic travel is not permitted, unless an individual is an essential worker travelling for work.

In relation to international travel, current border measures restrict entry to New Zealand to almost all travellers.

Citizens of New Zealand are permitted to enter the country, as are holders of permanent resident visas and holders of residence visas with appropriate travel conditions (except where the person was granted the visa outside of New Zealand and is travelling to New Zealand on that visa for the first time).

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Australian citizens and permanent residents ordinarily resident in New Zealand and partners, dependent children and legal guardians who are travelling with New Zealand citizens and residents can also be granted entry but should seek Government advice and approval well in advance of travel.

There are very limited exceptions to the above. The Government may grant a visitor visa or vary the conditions of a temporary visa to allow an individual to be granted entry permission where that individual has a critical purpose for travelling to New Zealand, including:

- essential health workers, as confirmed by New Zealand's Ministry of Health;
- other essential workers, as confirmed by the New Zealand Government;
- citizens of Samoa and Tonga making essential travel to New Zealand;
- people coming to New Zealand for humanitarian reasons;
- visitor, student and work visa holders who are ordinarily resident in New Zealand and who are the partner or dependent child of a student or work visa holder who is in New Zealand.

Individuals seeking a visitor visa or a variation of the conditions of a temporary visa on the grounds that they have a

critical purpose for travelling to New Zealand must make a request to travel to New Zealand, and may then be invited to apply for a visitor visa or for a variation of the conditions of a temporary visa.

All individuals arriving in New Zealand are required to enter into mandatory quarantine at approved government managed facilities for a minimum of 14 days.

Temporary visa holders who were in New Zealand on 2 April 2020 and whose visas were due to expire between 2 April to 9 July 2020 inclusive will have their visas extended to 25 September 2020.

The Government has also announced the Immigration (COVID-19 Response) Amendment Bill 2020 which enables the Government to respond flexibly and efficiently to immigration issues relating to COVID-19, in particular granting the power to impose, vary or cancel visa conditions for groups of people.

## 7 Discrimination

It is unlawful for employers to discriminate against an employee based on their race or ethnicity or disability, including physical illness. Employers should not seek to prohibit employees from the workplace based solely, for example, on their ethnic origin.

## 8 Reporting to the authorities

At present, there is no requirement specifically on employers to report COVID-19 concerns and it is not advisable for employers make reports to authorities without prior consultation with the employee concerned.

## 9 Emergency laws and the implications for businesses

A State of National Emergency was declared in New Zealand on 25 March 2020, and an Epidemic Notice has been issued which gives Government agencies powers to react swiftly to the developing situation.

The New Zealand Government has announced a number of tax relief measures and business loan schemes to support businesses in the wake of the coronavirus.

## 10 Other points

Employers' obligations and whether employees are entitled to be paid for coronavirus-related absences will depend on the particular circumstances. Employers should seek legal advice in relation to their specific circumstances. As the situation is constantly developing, employers must regularly monitor the advice [here](#).

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# Norway

Last updated:  
8/5/2020

## 1 Restrictions on daily life

The government had closed all kindergartens and schools from 13 March 2020, but have since started to reopen gradually. Kindergartens reopened 20 April and schools for first to fourth year reopened from 27 April. From 11 May, the rest of the primary and lower secondary school and the upper secondary school reopened.

The government has stated that employees should work from home as far as possible. Especially where the employees are dependent on public transportation to get to and from work.

The government has imposed a ten-day mandatory quarantine for anyone travelling from abroad.

The government closed all businesses with particularly high risk of infection (such as fitness centres, swimming pools, hair cutters, massage institutes, traffic stations, bars etc.) on 13 March 2020. Starting from 27 April, some of these businesses were allowed to resume their activity under certain restrictions. On 7 May, the Norwegian government launched a plan to reopen society by gradually easing restrictions every 14 days.

## 2 Resuming activity

Businesses that remained open or that reopen must operate in accordance with

the general obligations to ensure the health and safety of their employees, take measures to minimise the risk of infection by conducting a risk assessment, and by implementing necessary steps to reduce the risk of infections in accordance with the guidelines of the Norwegian Institute of Public Health and other relevant authorities. The guidelines are available in an English translation [here](#).

Relevant measures include limiting contact between people and adopting strict routines for disinfection. Social distancing is implemented in Norway and people should keep a distance of at least one metre from each other. In addition, people should not gather in groups larger than 20. There are no official recommendations concerning mask wearing in Norway.

Businesses must provide written information regarding how to prevent infection for both customers and employees. Information provided should be transparent, clear and updated. Businesses should have guidelines for work organisation including for working from home.

For payment, cashless payment options shall be preferred with contactless solutions as the favoured variant.

Businesses where the employers are in close contact with its customers (e.g. hairdressers etc.) must keep a register of all customers receiving treatment for 14 days.

## 3 Data privacy and the use of apps

### *Protecting privacy*

The GDPR, as well as national statutory provisions regarding control measures in the Norwegian Working Environment act, still apply and must be followed with regard to the protection of the privacy of customers and employees.

### *Tracing apps*

Mobile applications that trace movements and whom an employee has been in contact with would most likely not be a legal control measure for employers. This type of application would be too intrusive and would, generally speaking, be unlikely to comply with the Norwegian Personal Data Act and/or GDPR.

The Norwegian government has however introduced an application for this purpose that they have recommended everyone in Norway to install, called 'Smittestopp'. The application is always active on the user's mobile phone and will provide the user with a warning if he or she has been in contact with someone that is confirmed to be infected with coronavirus. The application is available on both iOS and Android, and is currently under review by the Norwegian Data Inspectorate with regard to the protection of the privacy of the user.

An employer could recommend that all employees have this application installed on their phones. It is however unlikely that an employer could force unwilling employees to install it. An employee that has the application installed and is made aware of the possibility of being infected should inform the employer of this, so protective measures could be taken immediately.

#### **4 Pay and leave**

The Norwegian Labour and Welfare Administration (NAV) has stated that the rules on parents staying at home with sick children also apply to parents staying home while kindergartens/schools were closed. These rules only apply if the child is 12 or younger during 2020. For disabilities or permanent health matters, this also applies for children under 18. As a starting point, each employee has the right to 20 days of paid leave per calendar year if he or she has one or two children. If the employee has three or more children, he or she has the right to 30 days of paid leave per calendar year. If the employee has sole care of the child or children, he or she has the right to 40 days of paid leave if for one or two children, and 60 days of paid leave for three or more children.

The employer is only responsible for the payment for the first three days of absence. The employee is entitled to paid leave for more than three days, but the government will take over the

responsibility from the employer from the fourth day. However, the employer has a duty to pay the care benefits in advance, as with sick pay. Both the employer's and NAV's responsibility is capped at annual payment up to 6 times the National Insurance scheme basic amount (NOK 98 866), i.e. annual payments of total NOK 593 196.

For days exceeding these limits or outside these situations, the employee must apply for leave without pay. Employees can also use vacation days or time off, subject to employer approval.

#### ***Sickness and quarantine pay***

There is a temporary regulation governing sick pay related to the coronavirus situation in Norway. Both employees that are infected and employees that are suspected to be infected with coronavirus are entitled to sick pay as long as their absence from work has resulted in a loss of income.

The employer covers full pay for the first three days calculated from the first day of absence. Following this period, NAV pays sick pay. However, the employer has a statutory duty to pay the sick pay in advance from day four to day 16 (reimbursement can be claimed from NAV afterwards). Sick pay covered by NAV is equal to the employee's annual salary (up to six times the national insurance scheme basic amount. This amount is adjusted yearly and is currently NOK 99,858).

Employees that are, or are suspected to be infected by coronavirus, or on whom quarantine is imposed can provide a medical self-certificate for the 16-day period. Employers are encouraged by the authorities to accept these self-certificates when the employee states that the absence is related to coronavirus. Following this period, doctors can provide medical certificates documenting the illness by e-consultation or by phone.

Quarantine applies for someone that has been abroad, who must stay quarantined for ten days from the day he or she returned home. Home quarantine is also used if someone has been in close contact with anybody that has previously or subsequently been confirmed as infected. Close contact means contact closer than two metres for longer than 15 minutes, or direct physical contact. Quarantine lasts ten days from the day of contact.

#### ***Temporary support pay***

The government does not foresee any direct reduction of labour costs if the employment relationship is upheld as normal. State support is primarily directed through the rules for layoffs described below.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

The employer can decide to close the workplace and have employees working from home in accordance with the current guidelines. The employer must facilitate this work by giving guidance and information to employees on how to work from home.

*Layoffs:* A more expedient measure in the event of a temporary lack of work is layoffs. Layoffs must be given with written notice (notice period of two to 14 calendar days, depending on whether the situation is considered 'unforeseen' or not). During the notice period of two to 14 days, employment is maintained, and the employer must pay normal wages. After the notice period, the layoff starts and the employee has no duty to work. Nevertheless, the employer has to pay normal wages for two work days (the 'employer-period'). After the notice period and the employer-period, the employer has no obligation to pay salaries. The employer is exempted from the obligation to pay salaries for a maximum period of 26 weeks during a period of 18 months (assuming that the conditions for lay-offs are still present). The employee must apply to NAV for unemployment benefits. The employer can decide on full or partial lay-off (minimum 40%). For example, it is possible to lay-off 40% and still work 60%.

*Reduction of working hours and salary:* This requires the employee's consent or a process of constructive dismissal (termination of existing contracts and offer of continued employment on new terms). However, this can expose the employer to unfair dismissal claims.

*Imposing use of vacation days:* This is possible to a certain degree. Employers can require employees to use saved vacation days (i.e. vacation days transferred from 2019) immediately. It is also possible to unilaterally require employees to take part of their 2020 holidays limited to vacation days in excess of 18 working days (unless already agreed otherwise). You cannot impose use of the main holiday (18 working days) outside the main holiday period (1 June to 30 September). Employees are also entitled to at least seven days consecutive holiday any other time of 2020 (one calendar week plus one working day). We also emphasise that the main rule in the Holiday Act is that an employer must notify the employee at least two months in advance before unilaterally fixing holiday and after consultation with the employee in question. Depending on the need for fixing holiday and the economic situation in the company due to the coronavirus situation, it is permissible to deviate from the two months' notice rule. However, this has to be assessed case by case.

## **Restructuring**

Employment contracts can be terminated by dismissal in accordance with the terms in the Working Environment Act. There have been no changes to these terms resulting from the coronavirus situation.

## 6 Travel

The government is currently discouraging all non-essential international travel (stricter guidelines may apply in certain sectors, such as healthcare). We recommend that travel guidelines are kept under constant review based on official recommendations.

In general, employers cannot decide where employees travel privately. However given the government has imposed automatic quarantine on return from abroad, and is advising against all international travel, you can encourage employees not to travel outside the country. This cannot be formulated as an absolute demand.

## 7 Discrimination

Employers must consider the risk of direct or indirect discrimination against employees on grounds of ethnic or national origin. All restrictions implemented in the workplace must be general restrictions, and in no way directed towards employees of any particular ethnic or national origin.

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They must also be legitimate and proportionate, in order to avoid a later claim of indirect discrimination.

### 8 Reporting to the authorities

Reports to the authorities on employees that have tested positive for the coronavirus or have travelled to a designated risk area may contain special category data. However, given the special circumstances, employers can report relevant data to authorities if this is necessary to fulfil their responsibility towards the authorities.

### 9 Emergency laws and the implications for businesses

The due date for employer tax has been postponed from 15 May to 15 August 2020.

The due date for preliminary tax for companies has been postponed from 15 April to 1 September 2020.

The due date for VAT has been postponed from 14 April to 10 June 2020.

Most trials were postponed indefinitely. However, the courts have implemented guidelines for digital trials and made other measures, and are gradually resuming normal operations.

The government has proposed a new scheme for cash support to businesses that are severely affected by the infection control measures. The aim for the scheme is to avoid bankruptcy for companies that were profitable before the Covid-19 situation.

More information can be found on the [English version of the official web page](#) of the business compensation scheme. Payments from the scheme are already being made and is open to the public on the [web page of the Norwegian tax authorities](#) (only in Norwegian).

### 10 Other points

The situation is changing from day to day. This guide was updated on 8 May 2020.

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# Peru

Last updated:  
9/5/2020

## 1 Restrictions on daily life

The government has closed all schools, shopping centres, restaurants, bars among other businesses in Peru due to the coronavirus. It has declared a State of National Emergency for 56 calendar days, and imposed quarantines.

The government has restricted travel by public roads to those providing essential goods and services, including food, medicines and basic necessities, assistance to the elderly and children, assistance to financial institutions, the sale or purchase of fuel and emergency call centres.

Everyone must stay in their homes from 18:00 to 05:00 (in some departments, from 16:00 until 05:00), except for strictly necessary services in the provision of, health services, water, sanitation, electric power, gas, fuel, telecommunications, cleaning and refuse collection, funeral services, and the transportation of cargo and merchandise. Journalists may travel doing this time, provided they carry the requisite pass and those who require urgent medical attention are also allowed to move. All court processes have been suspended.

Anyone not complying with these instructions will be liable for an administrative fine from PEN 86 to 430.

As a general rule, employees should not go to their normal workplaces to work unless they perform essential functions,

such as food provision and telecommunications maintenance.

If your employees are unable to go to work at their normal workplaces, you may implement remote working from home. You should set out the conditions for the remote work and provide all necessary physical and digital support and any necessary training.

Remote working does not apply to employees with confirmed coronavirus infection, nor to those on sick leave. In those cases, the duty to provide services is suspended but this does not affect your obligation to pay them in the normal way (see point 4 below). At the end of any sick leave, the affected employee should inform you so that you can start the employee on remote working.

## 2 Resuming activity

The government have indicated that the companies will return to work gradually in four phases, beginning in May.

Each employer must create a plan in order to guarantee the safety and health at work of employees. The guidelines that employers must consider prior returning to work:

*Cleaning and disinfection of workplaces:* prior to the start of daily work, including environments, furniture, equipment, tools, stationery, among others. The implementation of security and protection

measures for cleaning personnel must be ensured, as well as the availability of disinfectants, appropriate for the characteristics of the workplace and the type of activity carried out, among others.

*Assessment of the employee's health condition prior to reincorporation to the workplace:* including, among others:

- identification of the risk of exposure to coronavirus of each job, in accordance with article 6.1. of the Guidelines,
- complete the coronavirus symptom sheet for each worker;
- temperature checks on entering the workplace,
- apply the coronavirus discard test for workers who rejoin to Very High, High and Medium Risk jobs,
- actions to be taken when a suspected case is identified in Low Risk workers.

*Mandatory hand washing and disinfection:* the employer must ensure the appropriate number and location of hand washing points or alcohol gel dispenser, for free use. One of these points must be located at the entrance to the workplace for washing and disinfection prior to the start of work activities.



Employers must install signs indicating the correct procedure for washing and disinfection of hands.

*Infection prevention awareness in the workplace:* inform staff about prevention measures to avoid coronavirus infection, the mandatory use of masks during the workday according to the level of risk at work, promote awareness of the importance of reporting symptoms early.

*Collective preventive measures:* such as adequate ventilation of the working environment, cyclical renewal of the volume of air, mandatory 1-metre distance between employees, cleaning and disinfection of footwear before entering common areas of the workplace, among others. In camps, a distance between beds of 1.5 meters must be maintained.

*Personal protection measures:* the employer must ensure the availability of personal protective equipment and implement measures for its correct and mandatory use.

*Surveillance of employee health in the context of the coronavirus national health emergency:* including body temperature checks at the start and end of the workday, coronavirus testing for workers who register body temperature over 38°C and notifying SUNAFIL in the event of a case of coronavirus infection in the workplace.

There are also measures that the employer must adopt for the reinstatement of workers with risk factors (over 60 years, heart problems, high pressure, weight problems, among others). The high-risk employees must remain in quarantine until 9 June and their return to work must be authorised by the occupational doctor.

The company must elaborate a plan including those points in conjunction with the sectorial measures that will be issued by government during this month.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

You can get a statement from an employee that indicates that he/she is in good health. Employers must also implement medical examinations for their employees to be sure of the medical status of each employee. The occupational doctor must authorise the employee to work if his/her health status allows it.

#### *Tracing apps*

Employers cannot force employees to install a tracking app or withhold their salary for refusing to do so.

## 4 Pay and leave

As an employer, you must:

- not change the nature of the employment relationship or the employee's pay or benefits unless the changes are dependent on attendance at the workplace or favour the employee;
- inform employees about all health and safety measures that must be observed whilst working remotely;
- communicate to employees any decision you take to change the place of work in order to enable remote working.

You must identify any employees that are at risk through age or for health reasons so that you can ask them to work remotely. If it is not possible for people to work remotely, you should make an agreement with your employees about how they will be compensated for non-worked hours. Note that if there is no agreement between parties, the employees will be entitled to 'paid licence'. This means that you pay employees for time not worked, but when the state of emergency is over, they will need to work to compensate you for what you have paid. It will be open to you to waive some of their non-worked hours, if you wish.

### ***Sickness and quarantine pay***

If an employee is sick with coronavirus, the employer must pay for the first 20 days of sickness. EsSalud will pay after that for up to 11 months and ten days. However, if an employee earns less than PEN 2,400 per month then EsSalud will pay also for the first 20 days of sickness.

### ***Temporary pay support***

The government has announced that employees' pay will be subsidised to the tune of 35% of salary for those earning up to PEN 1,500 per month (only for April). Additional support is available for people in extreme poverty.

## **5 Reduction of activity and restructuring**

Employers are not at liberty to dismiss employees if their job is suspended (e.g. because they are on sick leave). If the job is not suspended and an employer wants to dismiss an employee on, say, disciplinary grounds, this is possible, but it might make more sense to do this after this emergency is over because the employee may claim they are not in a position to defend themselves from any accusation made by employer at this time.

If employees are in agreement to take annual leave, this can be done. The same applies if employees agree to a reduced salary or unpaid time.

During the state of emergency, employers who cannot implement remote work or apply the paid leave absence, due to the nature of their activities or the level of economic impact, can adopt measures to maintain employment relationships and continued payment of remuneration, privileging the agreement with the employees.

Exceptionally, the employers referred to in the previous paragraph can implement what is known as 'perfect suspension of work' (unpaid leave of absence), by submitting a virtual communication to the Administrative Labor Authority as an affidavit giving the reasons for it.

The perfect suspension of work applies in the following cases:

- It is impossible to impose remote work due to the nature of activities which require the presence of the employee for operational reasons.
- It is impossible to use paid leave with due to the nature of the activities.
- it is not reasonable to compensate non-worked time due to the level of economic impact.
- The employer is in a difficult economic situation.

(see the annex of the Supreme Decree N° 011-2020-TR).

Before requesting a 'perfect suspension', the employer must exhaust alternatives to maintain employment and remuneration by implementing alternative measures. Exceptionally, the 'perfect suspension' of work may be applied according to the procedure set out. The measures adopted apply up to 30 calendar days after the end of the Health Emergency, that is, until 9 July 2020.

If the procedure is not approved by the Labour Authority then the employer will have to pay the unpaid salaries to the affected employees.

## **6 Travel**

Peru's borders have been closed and the international transport of passengers is suspended, by land, air, sea and river. This measure went into effect from 23:59 on Monday 16 March 2020, and any passengers entering Peru before this must quarantine for 15 calendar days. The transportation of cargo and merchandise is not included within this temporary closure.

There are also severe restrictions on urban transport including transport between the provinces, effective from the same date. Again, cargo and merchandise are exempt.

Employees who cannot get back into the country or return to their home city are expected to work remotely from where they are.

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## 7 Discrimination

As an employer, you must ensure not to discriminate against sick employees, as that would be considered as a hostile act.

to ensure compliance with the measures ordered by the government and citizens are required to collaborate in good faith.

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## 8 Reporting to the authorities

Only hospitals and medical centres are authorised to report coronavirus cases. Employers have no power to do so and no obligation.

However, you should initiate awareness campaigns to ensure your employees stay as safe as possible at the workplace and should ask employees with any respiratory illness, or who have made trips to infected areas, to have get themselves tested at a medical centre. You, as an employer, are not entitled to know the result, as this constitutes sensitive data. If an employee voluntarily tells you they have the coronavirus, you should process this information according to the principles of confidentiality and security.

## 9 Emergency laws and the implications for businesses

The Government has rescheduled the deadlines for filing and paying tax.

## 10 Other points

The Peruvian National Police and the armed forces have the power to use force

# Poland

Last updated:  
8/5/2020

## 1 Restrictions on daily life

Schools in Poland are closed. In the event of school, nursery or kindergarten closure, employees can take vacation leave, work from home or apply for a care allowance for a period of up to 14 days (if his child is younger than eight years old): in this case absence will be justified and partially paid by the state. This allowance has been extended for the period in which schools, nurseries or kindergartens are closed, but no longer than until 24 May. After this time, employee may file for the 'normal' childcare allowance for up to 60 days. Longer absence for this reason can be also justified, but not paid.

You can require employees to work remotely. In practice homeworking is agreed with employees. During quarantine, employees can work from home. If an employee cannot or chooses not to work, his or her absence will be justified and partially paid. Where remote work is not possible, you may also decide to close the workplace or grant the employee unused vacation leave from previous years.

Government-implemented restrictions include an obligation to cover mouth and nose using a mask, protective helmet or other face covering, in particular on public transport, in places accessible to the public or in workplaces and public buildings. This does not apply to individuals carrying out professional, business or commercial activities in workplaces and public buildings unless

they are providing direct service to customers or clients.

The organisation of gatherings is prohibited. Zoos and playgrounds cannot be used.

When walking, a two-metre distance between people must be maintained (except for children under 13 years of age, care of the disabled and residents of the same household). In buses or trams not more than half the seats can be used.

There are restrictions on catering and drinks service on premises in restaurants; the organisation, promotion or management of events; cinemas and casinos; beauty salons, hairdressers, tattoo parlours, gyms, fitness clubs and other similar activities.

## 2 Resuming activity

Hotels have reopened, but cannot operate restaurant or bar service other than room service. Libraries, archives and museums have reopened. Shopping centers have reopened subject to the following restrictions: maximum one person per 15 m<sup>2</sup>; customers must wear disposable gloves (individuals who cannot put on or take off gloves due to a physical or mental health condition or disability are exempt) and use of face coverings or masks; shops must disinfect the cash desks and provide hand sanitiser.

You should provide employees with proper personal protective equipment (disposable gloves or hand sanitiser). You should also promote regular and thorough hand washing in the workplace and provide instructions on what to do if someone shows signs of coronavirus infection. You must also ensure a distance between the employees' workstations of at least 1.5 metres, unless this is not possible due to the nature of the activity carried out. Personal protective equipment should be provided.

The National Labour Inspectorate has published some [guidelines for employers](#) (in Polish). Useful general information can be also found on [General Sanitary Inspection website](#).

## 3 Data privacy and the use of apps

### *Protecting privacy*

You can ask employees whether they have been in high-risk regions or if they have been in contact someone with coronavirus. The basis for processing this information will be processing of personal data in order to fulfill legal obligations (Article 6(1)(f) GDPR), in this case the obligation to ensure safe and healthy working conditions.

The National Labour Inspectorate states that an employer is not entitled to assess the employee's health itself. It is debatable whether an employer can send an employee for a medical check-up if he or she shows symptoms (cough, high temperature). Therefore, if you become aware of symptoms, you should suggest the employee reports him or herself to the epidemiological authorities, so they can decide what further actions should be taken and if the employee should be ordered to stay on quarantine.

While introducing workplace tools to control the spread of coronavirus, you should make sure that the data minimisation rule is observed. These tools should be limited to the workplace and should not interfere with employees' privacy. Employers cannot track employees' activity outside of the workplace and working hours. If employer finds out that employee is infected with coronavirus, it is permissible to use this information for ensuring health and safety in the workplace (e.g. disinfecting), but the employer should not inform other employees that this particular employee was infected.

#### ***Tracing apps***

Apps with limited scope for data tracking may be allowed where the processing of personal data is designed to mitigate the potential negative effects of coronavirus. Otherwise, the scope of information gathered on employees can be excessive, would interfere with

employee's privacy and cannot be justified by provisions on health and safety at the workplace. An employer could introduce an app to check if the 1.5-metre distance between the employees' workstations is respected. This type of app could be used without employees' consent. If an employee refuses to use the app, the employer cannot stop payment of salary, but other measures could be taken (e.g. disciplinary sanctions or in extreme cases, dismissal).

## **4 Pay and leave**

### ***Sickness and quarantine pay***

An employee whose sickness is confirmed by a medical certificate issued by a doctor is entitled to sickness pay and sickness benefit both in the amount of 80% of his or her salary. This is paid by the employer for 33 days in a given calendar year. Sickness benefit is financed by the state. The same rules apply to quarantine ordered by proper authorities unless an employee is working from home in which case he or she receives full remuneration from the employer. Care allowance is also 80% of pay and is financed by the state. In the event case workplace closure, each employee should be paid according to his or her individual monthly or hourly rate of basic pay and if this has not been identified, 60% of salary.

A person who has been quarantined (or whose family member has been quarantined) by order of the Sanitary Service is released from work and entitled to remuneration/sickness benefit after completion of quarantine and notification (unless he or she can work remotely).

### ***Temporary support pay***

#### ***Co-financing of employment costs of stoppages***

During stoppages related to coronavirus, salary can be decreased to 50% (but not lower than the minimum salary, PLN 2,600 for full-time work). The state will finance up to PLN 1,300 of the decreased salary per employee together with social security premiums due on this amount.

#### ***Co-financing of employment costs for decreased working time***

You can shorten working time because of coronavirus by up to 20%, but not below half of normal working time. Minimum salary requirement still applies. Half of the decreased salary (but not more than 40% of national average salary (now this 40% is approx. PLN 2.079,43)) together with social security premiums due from this amount will be financed by the state.



The two aids above can be granted for up to three months. Neither can cover employees who earned more than PLN 15,595.74 gross in the month preceding the month in which the employer requests co-financing. You would not be able to terminate employment contracts for employees who are covered by co-financing for economic reasons for the duration of the co-financing.

#### *Changes in working time and terms and conditions of employment*

You can:

- limit the daily resting period from 11 to eight hours and the weekly resting period from 35 to 32 hours;
- implement compensatory working time system where daily working time is prolonged to 12 hours and compensated by shorter working time on other days (in settlement period up to 12 months);
- apply less favourable terms and conditions of employment than in employment contracts.

To be eligible for the three types of aid above, turnover must drop by at least 15% in two consecutive months of 2020 compared to analogous months of 2019 (not necessarily calendar months) or by at least 25% in one month of 2020 compared to the preceding month (not necessarily calendar).

Terms and conditions for these three solutions must be agreed with trade unions or employees' representatives and provided to the labour inspectorate within five days.

#### *Special solutions for drastic drop in turnover*

For micro, small and medium businesses that experience drastically reduced turnover for two consecutive months of 2020 compared to two analogous months of 2019, co-financing is available from 50-90% of employees' salaries depending on the decrease in turnover (from minimum 30%). Co-financing can be granted for up to three months. During co-financing, employees covered by it cannot be dismissed regardless of reasons.

All four options are only available to companies with no tax and social security arrears (with minor exceptions) and can cover both employees with employment agreements and workers with civil contracts.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

Various solutions to reduce costs and activity due to coronavirus are available.

**'Forced' holidays:** You can require employees to take overdue vacation leave (i.e., outstanding leave for years

preceding 2020) without their consent. For current vacation leave (for 2020), the situation is less clear. In practice with employee's consent, you can send them on holidays. Without consent, the employee can challenge the decision by claiming that vacation was misused for the purposes of sanitary isolation.

**Unpaid leave:** This is only possible with employee's consent.

**Reducing roles to part time / lower wages on a temporary basis:** Individually: employees' consent is required. If employees do not agree, employers can impose changes by the so-called 'changing notice' (notice on alteration of terms and conditions). This must be justified and the notice period must be observed. Employee's consent can be given in any way (e.g. by email), not necessarily in writing. Any proof of confirmation of acceptance is sufficient. If the changes are implemented without consent and without changing notice, employees can claim for payment of their normal remuneration (from before the decrease).

**Collective agreement with employees' representatives:** If justified by the organisation's financial situation, it is possible to conclude an agreement with employees' representatives (appointed under standard procedure in the absence of trade unions). Under this agreement, working time and remuneration can be reduced and provisions of remuneration and bonus regulations can be

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collective agreement does not require additional individual agreements with the employees. However, employees should be notified.

Restrictions from these collective agreements can be introduced for up to three years. The agreement must be written and cover all essential elements (in particular the period for which the working time and remuneration are reduced, and the amount of the reduction). You must notify the National Labour Inspectorate (PIP).

*Postponing social contribution payments:* You can apply to ZUS (the Social Insurance Institution) to postpone social contribution payments. To do so you must complete and submit short form/motion to ZUS.

*Stoppage:* If there is lack of work due to coronavirus and the organisation cannot operate, you may order a stoppage (i.e. interruption of work). For this time, employees who cannot work (but are ready to work), are in general entitled to base pay only (in specific very rare cases, 60% of pay). Pay for the stoppage cannot be lower than minimum statutory wage (PLN 2,600 gross in 2020) in any case.

### **Restructuring**

Employers can also restructure their organisations by making people redundant. If specific headcount is met, the collective dismissal procedure will

need to be followed. For any redundancy (collective or individual) a proper reason must be given (in the pandemic context, this would include reduction of workforce or liquidation of the job position).

## **6 Travel**

Entry to Poland of non-Polish nationals is limited as of 15 March 2020. Borders remain open only for certain categories of foreigners, i.e. with permanent and temporary residence permits as well as work permits. Limitations do not apply to spouses and children of Polish citizens or to EU citizens residing in Poland. All international flights and trains to/from Poland have been suspended. Temporary border controls with Schengen countries have been restored. Only selected land and sea borders remain open.

Anyone entering Poland is subject to 14-day home quarantine with all family members living in the same household, except individuals crossing internal EU borders (Germany, Czech Republic, Slovakia, Lithuania and sea borders with Denmark and Sweden) travelling for the purpose of work in Poland or in a neighbouring country.

No restrictions have been imposed on exit traffic from Poland, however if an employee is ordered to travel to a place where the risk of a disease is high, he or she can refuse, proving that it poses a

health threat. Companies should refrain from business travel.

## **7 Discrimination**

You should avoid discrimination against employees who have an ethnic background associated with the coronavirus or who are confirmed or suspected to have contracted the coronavirus. Other employees should be treated equally, for example in terms of being allowed to work remotely.

## **8 Reporting to the authorities**

Although, there is no such express legal obligation so far, it is recommended you immediately inform the proper sanitary authorities of any justified suspicion of coronavirus in the workplace, in particular if symptoms were detected.

## **9 Emergency laws and the implications for businesses**

The work of courts has been limited.

Specific financial fines have been implemented in order to prevent spread of coronavirus; for example breach of obligation of quarantine is subject to a fine up to PLN 30,000.

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# Portugal

Last updated:  
8/5/2020

## 1 Restrictions on daily life

Following the end of the state of emergency, Portugal is currently under what is known as the 'state of calamity' until 17 May 2020. This could be extended or altered in view of the evolution of the epidemiological situation.

There is a mandatory confinement obligation on coronavirus patients and anyone infected with SARS-Cov2.

A civic duty of home confinement has also been imposed, except for authorised movements, such as journeys for professional activities or similar and for health reasons.

Social distancing should be observed in any case and the maximum capacity of public transportation and theatres and cinemas, for example, has been reduced.

Face masks or visors are mandatory when accessing or working in commercial or services spaces, in customer service spaces or buildings, at schools and in public transportation.

## 2 Resuming activity

Several premises and establishments remain closed, but a calendar for the general reopening or reestablishment of retail, services, schools, sport and cultural activities has been approved.

There will be three distinct phase: 4 May, 18 May and 1 June.

In the first phase some stores that were forced to close by the state of emergency were allowed to reopen (small businesses, notably stores up to 200M2 and hairdressers). If coronavirus infections do not show a significant leap, two weeks later, on 18 May, more businesses will reopen, including restaurants.

As the pandemic continues in a controlled way, the third stage will see the opening of more commercial spaces, particularly large stores, including shopping centres. AT this stage, telework may be partial, with different working schedules.

For stores the following rules, among others, should be respected:

- Five people per each 100M2, excluding attendants/employees.
- Minimum distance of two meters between individuals.
- People should stay in the store only the time strictly necessary to acquire the goods.

If your business is open or will be permitted to reopen, you should create contingency plans addressing the potential effect of an infected employee on the organisation, how to deal with a possible infection case and what to do if there is an infected person in the

organisation. Share these plans with employees and provide them with relevant emergency contacts.

Provide tissues and hand-sanitiser and encourage their regular use. Encourage staff to wash their hands or use hand sanitiser on arrival in the workplace after using public transport and after coughing or sneezing. Use posters and other visual material, to make the message more effective. Regularly clean frequently touched communal areas (door handles, kitchens, toilets, keyboards, phones and desks).

If someone falls sick with coronavirus:

Clean and disinfect the 'isolation' area where the infected person was kept;

Reinforce cleaning and disinfection, especially in areas frequently used by the infected person, their work area and materials and equipment used by them;

Store the confirmed case's personal belongings and all the material used in the isolation area (gloves, masks, tissues, etc.) in a plastic bag, to be closed, segregated and sent to an authorised operator licensed to treat hospital biological hazard residues.

You should assess:

- Activities that are indispensable to maintain the company running.
- Essential resources (raw materials, suppliers, logistics) to keep the organisation running and to satisfy clients' basic needs.
- Staff required to guarantee the above. Consider training additional staff to replace them if they cannot come to work.
- Staff that have higher risk of infection.
- Activities that may use alternative forms of work (telework, videoconferences, teleconferences and client's remote access).

### 3 Data privacy and the use of apps

#### *Protecting privacy*

The Portuguese Data Protection Authority (CNPD) has recently issued guidelines on the rules regarding remote monitoring of employees on telework, and on the possibility of companies directly monitoring employees' health data and risk behaviours.

Regarding telework, the CNPD clarified that it is not lawful to use remote surveillance,

notably software, to monitor and record performance, working hours,

inactivity time, visited web pages, real time location of a terminal or the usage of peripheral

devices (i.e. mouse and keyboard), among others.

Regarding the collection and recording of employees' health related data (eg: body

temperature) or other risky behaviours which may indicate coronavirus infection, the CNPD

clarified that this cannot be carried out directly by the employer, but by the health authorities (e.g. occupational health professionals) or by employees themselves, through self-monitoring.

Nevertheless, after publication of this guidance, the Government approved special legislative measures allowing employers to monitor employees' body temperature. In any case, employees keep their privacy rights: any link between body temperature record and the individual's identity is forbidden.

#### *Tracing apps*

Apart from the -guidelines mentioned above, neither the CNPD nor the Government have issued further instructions on this topic. Therefore, in our view, employers may not compel staff to install an app, and are limited to

checking employees' body temperature. In terms of payment, please see 4 below.

## 4 Pay and leave

### *Sickness and quarantine pay*

The normal sick leave waiting period (three days) does not apply to coronavirus situations: employees are paid in full from the first day of absence. The state bears the cost.

If a doctor orders quarantine, employees are entitled to be paid in full for the first 14 days. After the 15th day, normal sick leave pay percentages will apply. The State bears the cost.

If you as employer impose quarantine on an employee, you bear the cost of the employee's quarantine, even if the employee cannot effectively work from home.

### *Temporary pay support*

During the simplified lay-off period (please see above), affected employees are entitled to receive two thirds of their normal gross salary, between a minimum of EUR 635 and a maximum limit of EUR 1,905. The cost of this is borne 30% by the employer and 70% by social security.

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## 5 Reduction of activity and restructuring

### *Reduction of activity*

Special measures have been enacted aimed at preserving the employment level and mitigating company crisis situations. They allow companies to access a simplified layoff regime. This temporary regime (which lasts one month, with the possibility of renewal up to a maximum of three months) allows the reduction of working time or the suspension of the employment contracts and salary reduction (partially paid by the employer and by the social security).

Unless otherwise agreed or set out in the applicable collective bargaining agreement, employers cannot impose holiday unless it is during the period between 1 May and 31 October.

Outside of the layoff mechanism, salary reductions are not generally allowed. However, it is always possible to reach an agreement regarding reduction of the working time (with a consequent salary reduction).

### *Restructuring*

General mechanisms to terminate employment contracts still apply, notably individual and collective redundancies. However, employers that have used the layoff mechanism described above are prevented from carrying out any

redundancy within a 60-day period after the end of the layoff.

## 6 Travel

Limit work trips to the bare minimum and set up approval mechanisms for trips that are considered essential. Use telephone or videoconferencing where possible instead. Work travel to especially dangerous areas should be forbidden. Personal travel can be discouraged, but not prohibited.

## 7 Discrimination

Restrictions on workplace access should be based on objective reasons, for example, people who have travelled to high-risk areas in the last 14 days.

## 8 Reporting to the authorities

If an employee has symptoms, he or she must contact the National Health Services helpline. If symptoms are considered a potential coronavirus situation, but the health services do not confirm infection, the employee must inform you and you must inform the medicine at work services. If symptoms are considered a potential coronavirus situation, and the health services confirm the infection, the Health Authority will inform you.

## 9 Emergency laws and the implications for businesses

In addition to the measures described above, the following measures have been approved:

- Until the end of the application of the prevention, contention, mitigation and treatment of the coronavirus epidemic, unilateral terminations by the landlords of lease contracts for housing or non-housing purposes, and mortgage foreclosures on residential property are suspended.
- Flexibility has been introduced to deadlines to comply with tax obligations foreseen for the second quarter of 2020.
- Special advanced tax payments have been postponed from 31 March to 30 June.
- The Corporate Tax return (Modelo 22) filing deadline has been postponed to 31 July.
- Payment of the social security contribution due on March 20 has been suspended.

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# Romania

Last updated:  
11/5/2020

## 1 Restrictions on daily life

Romania is currently in lockdown, as the state of emergency has been prolonged until the 15 May 2020. This will be followed, most probably, by a state of alert.

Circulation is still prohibited, as a rule, with a series of justified exceptions and based on justifying documents.

Activities taking place indoors, such as cultural, scientific, artistic or religious activities, sports and entertainment, as well as serving and consumption of food products, alcoholic or non-alcoholic beverages in restaurants, hotels, cafes etc. remained suspended.

All schools in Romania are currently closed until the end of the current school year. Subject to conditions (for example, when work from home or telework is not possible), parents may take days off to supervise their children in this context, receiving an allowance of 75% of base salary for a working day, currently capped at RON 5,429, settled from the state budget. The authorities plan to extend the application of these provisions for a period of time after 15 May and until the end of school year, but such amendments are still under discussion.

## 2 Resuming activity

According to the recent official statements, only some suspended

activities will gradually restart after 15 May (e.g. some health & personal care establishments, museums, hotels and some commercial activities). However, this has not been expressly established by law and certain changes of approach may occur before 15 May.

The gradual relaxation of the currently applicable measures, as well as further actions or measures imposed on reopening activities and businesses and for general movement general (e.g. mandatory mask wearing, further distancing guidelines or population testing measures) are still the subject of ongoing discussions in the competent authorities.

Currently, tests are only conducted by the state authorities and some private medical entities,. According to the current legal framework, medical examination is mandatory when activity is resumed only in there is interruption of activity for at least 90 days (for medical reasons) or for at least six months (for any other reason). However, the occupational doctor is entitled to perform testing on resumption of activity, whenever considered necessary.

## 3 Data privacy and the use of apps

### *Protecting privacy*

When planning to collect employees' personal data as part of the efforts to

monitor and prevent the spread of coronavirus within the organisation, you should consider the data protection implications and the need to ensure compliance with GDPR principles and requirements.

You should ensure the lawfulness and legitimacy of the processing by determining the legal basis under Article 6 of GDPR and the guarantees under Article 9 of GDPR (the latter, if sensitive data, such as health data, will be collected) before starting processing and document the assessment and the decision-making.

The Romanian Data Protection Authority has issued brief guidance on processing health data in the coronavirus context, pursuant to which, there are several guarantees (Article 9) that, if applicable, allow the processing of health data. These include meeting legal obligations towards employees (including on health and safety at the workplace); processing as part of activities related to preventive medicine; public interest in the area of public health, such as protecting against cross-border threats to health; and individuals' consent).

In ensuring the fairness and transparency of the processing, employers must assess whether the existing privacy notices cover the processing intended to mitigate coronavirus, or if they need to supplement these privacy notices or adopt new ones.

In any case, employers should limit the disclosure of their employees' personal data as much as possible, especially health data. In cases when employers must comply with reporting obligations including sensitive data, they must limit the reporting to what is legally required and ensure that disclosure is made only to the public authority that is officially competent to receive the information.

If an employee tests positive, internal disclosures of the concerned employee's identity should also be limited except when strictly necessary to investigate and identify the individuals who were in contact with the employee who is or may be infected with coronavirus.

As the efforts to monitor and prevent the spread of coronavirus will, in some cases, involve processing of sensitive data, the processing operations may result in a high risk to the rights and freedoms of employees, in which case employers must perform a data protection impact assessment (DPIA).

In order to address the concerns described here, as well as other data protection requirements, employers may wish to establish internal dataflow to document how they would collect, use, retain, share and secure any personal data as part of coronavirus action plans.

### ***Tracing apps***

Romanian telecom operators have expressed their commitment to support

governments and society by giving an insight on users and/or subscribers' movements, which is possible by using electronic communication data, such as mobile location data.

Under the Romanian law transposing the e-Privacy Directive, processing of location data of users and/or subscribers to analyse their movement is possible if:

- the data is anonymised; or
- the express prior consent of the user and/or subscriber to whom the data relates is obtained.

From an employment perspective, it is not advisable to use employees' consent as legal basis for processing. Consequently, it is advisable for data controllers to use anonymous data when it comes to implementing a tracing app.

With regard to the use of an app, a processing activity that implies an obligation on employees' part to install a monitoring app whereby the employer has access to data will not comply with the GDPR as there is a significant risk of the processing being deemed excessive. Employees could be encouraged (but not obliged) to use the app for prevention purposes without giving the employer access to location data and/or alerts.

## **4 Pay and leave**

### ***Sickness and quarantine pay***

No updates from a labour law perspective.

### ***Temporary pay support***

State support in order to pay for technical unemployment allowances is provided for employers that, due to the effects of the coronavirus crisis, temporarily reduce or interrupt their activity during the state of emergency.

According to official statements, the central authorities also plan to grant some form of support to the affected businesses after the state of emergency ends, for a limited period of time and under certain conditions that are still to be enacted.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

Using up annual leave: You can suggest employees use untaken annual leave days from previous years, but cannot impose this upon them.

*Unilateral work schedule and salary reduction:* When a temporary reduction of activity for economic, technological, structural or similar reasons exceeds 30 working days, employers can reduce the working week from five to four days, with the corresponding reduction in salary until the situation is remedied, after consulting employee representatives. There must be an appropriate business rationale for the decision.

**Termination:** Employment agreements can be terminated on grounds not related to employees on the employer's initiative, based on a grounded business case and following a complex procedure. The legal framework also allows mutual termination, in which case employees are usually substantially compensated, which may not be currently feasible.

*Force majeure:* According to the official statements by the labour authorities, suspension of an individual employment agreement by effect of law for *force majeure* cannot be applied as a preventive measure in the context of the coronavirus epidemic.

### **Restructuring**

Under Romanian employment law, the implementation of a restructuring process requires that the cancellation of a job position must be based on real and serious reasons.

According to the law, the cancellation of the job position has a real and serious

reason when, based on justifying documents/solid evidence (such as a grounded business case and an internal decision issued by the competent corporate body to approve the redundancy), it can be objectively sustained that the position is no longer necessary in the company and the purpose does not appear to be solely the removal of the employee.

Another legal requirement for a valid dismissal for redundancy is that the position is effectively cancelled, meaning that the respective job position is definitively eliminated from the organisational chart and is not renamed or recreated before or immediately after the cancellation.

The legal requirements and procedure for restructuring have not been amended during the current state of emergency. Employers are advised to follow the normal legal requirements and, where possible, to avoid dismissals.

## **6 Travel**

During the current state of emergency, general movement (including travel) is still strictly limited. Anyone coming or returning to Romania from an international trip either enters 14-days quarantine (for red-labelled countries) or 14-day isolation (all the other countries, which are currently yellow-labelled). The updated list is available [here](#) (in Romanian).

Currently, flights to and from Italy, Spain, Germany, France, Austria, Belgium, USA, UK, the Netherlands, Turkey and Iran are suspended. Entry to Romania by foreign citizens and stateless individuals is restricted during the state of emergency, subject to exceptions.

## **7 Discrimination**

No updates from a labour law perspective.

## **8 Reporting to the authorities**

No updates from a labour law perspective.

## **9 Emergency laws and the implications for businesses**

Since the initial establishment of the state of emergency, ten military ordinances and other acts imposing a series of specific measures have been adopted.

From an employment law perspective, the implications for the businesses mainly concern the limitation of activities (with corresponding entitlement to state support, see above), plus general restrictive measures regarding movement and the organisation of, and access to, business locations.

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During the state of emergency, the personnel of the Ministry of Internal Affairs is empowered to require and check the justifying documents of employees who still have to travel/commute to work. Non-compliance is punishable by administrative penalties and, in certain cases, even criminal sanctions.

Other measures concern, for example, the justice system, and provide, mainly, the suspension of the statute of limitations and the continuity of judicial activity only in cases of particular emergency. For the period following the state of emergency, the Ministry of Justice has drafted a guide of recommendations and protective measures for the resumption of court activity (available here, in Romanian: <http://www.just.ro/wp-content/uploads/2020/05/stare-de-urgenta-recomandari-instante-si-parchete-post-stare-de-urgenta-060420.pdf>).

### *Tax measures*

- Tax obligations due starting with 21 March and unsettled until 30 days after the state of emergency ends, are not considered outstanding tax obligations and no late payment interest and penalties will be calculated and owed in this respect.
- The measures for forced execution by seizure with the exception of enforced executions for the recovery

of the budgetary debts established by judicial decisions in criminal matters are suspended or will not start, from 21 March until 30 days after the end of the state of emergency.

- During the state of emergency, measures of forced execution by seizure of the budgetary, fiscal, financial and commercial debts that apply to monthly rights paid through the territorial or sectorial pension houses are suspended or not started.
- Indemnities granted during the state of emergency are not subject to enforced execution by seizure during the duration of their grant, regardless of the budget from which they are granted.
- Taxes for technical unemployment are declared and paid until the 25th of the month following the collection from the state budget.
- The deadline for submitting the notification of restructuring intentions is extended until 31 July 2020 and the deadline for submitting restructuring requests is extended until 30 October 2020 (note: this restructuring refers to budgetary obligations outstanding at 31 December 2018 for debtors with debts of RON 1 million or more).

- During the state of emergency and 30 days after its completion, no interest and penalties are due for the late payment of rates from unpaid schedules.
- The deadline for submitting annual financial statements for the 2019 financial year and the annual accounting reports completed on 31 December 2019 is extended until 31 July.
- During the state of emergency, small and medium-sized enterprises holding an emergency situation certificate issued by the Ministry of Economy, Energy and Business Environment, benefit from deferred payment for utilities (electricity, natural gas, water, telephone and internet) as well as deferral of rent payments for the social headquarters and secondary office buildings.

There are other measures relating to benefits, bonuses, deductions and other derogations regarding corporate income tax, microenterprise income tax, VAT, income tax and social security contributions, excises, local taxes and other specific taxes.

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# Russia

Last updated:  
11/5/2020

## 1 Restrictions on daily life

In Russia, restrictions depend entirely on the region. In Moscow (and some other regions), the 'stay home' regime has been prolonged until 31 May. All public events nationwide are still banned, and restrictions for people over 65 and those suffering from chronic illnesses are maintained. A movement monitoring system, meaning individuals can only leave home with an electronic pass (or for a limited list of purposes such as going to the nearest shop, pharmacy, walking a dog), remains in effect. Individuals apply for the pass via a website using a private account. For those who work 'offline' during the containment period (if their employer's activity is not restricted by regulations), the electronic pass may be issued for the whole period. Otherwise individuals must apply for a one-day single-use electronic pass for a specific purpose.

Schools, shops (except for grocery stores), beauty-related businesses, restaurants, parks, gyms, etc. in Moscow (and some other regions) are closed. Restaurants and cafes can only provide takeaway services. In many regions, masks and gloves are mandatory in public spaces and on transport. Subject to regional regulation, a limited list of businesses can continue 'offline' operations. Others should either stay closed (and continue paying regular salaries to employees) or transfer all employees to remote employment. The restrictions do not apply to the companies

included in regional government decisions (e.g. continuously operating companies), subject to the coronavirus situation in their region. For example, in Moscow, companies whose activities are not directly prohibited by the Decree of the Mayor of Moscow may continue working (however, the list is very limited).

## 2 Resuming activity

On 11 May, the Russian President announced the end of the nationwide non-working regime. From 12 May, restrictions will gradually ease subject to decisions of regional heads depending on the situation in each region. Most regions are maintaining restrictions.

You have a duty to provide employees with safe working conditions and protection and to keep them informed. We advise you to:

- Appoint someone (e.g. an HR person or Health and Safety official), to monitor and review guidance from governmental bodies and be a point of contact for concerned employees.
- Consider legal requirements prior to implementing changes to terms and conditions of employment.
- Keep employees informed via emails, training and visual materials (including on sneeze etiquette and handshake hygiene) without causing panic.

- Provide measurement of body temperature for employees in the workplace.
- Provide hand sanitiser and face masks, educate staff on their use and encourage regular use.
- Regularly clean and air the workplace, including using sanitisers where necessary.
- Ensure compliance by employees with social distance (no less than 1,5 metres), including applying special markings and establishing a special regime of access and stay in buildings.
- If an employee falls sick, ensure that he or she does not continue working.
- Disinfect any areas where exposed employees have been, do temperature checks on all employees and suspend any that have a high temperature. Failure to comply with the requirements (including providing information to the authorities, see 8) may lead to liability of the employer and its officials.

Legally, you cannot force an employee to undergo a medical examination. If an employee refuses to undergo examination and/or the concerns are not proved, you will not be able to suspend or dismiss them. You can ask employees whether they are infected but employees



are not obliged to answer.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Russian laws do not set out specific requirements or guidance on personal data processing in the current scenario. You should comply with general data protection requirements, focusing on the following principles:

**There must be a legal ground for the data processing.** Russian labour laws establish that employees' health data may be processed to an extent necessary to consider their capacity to work. As explained by the Russian data protection authority, this may be used as an appropriate justification for health data processing currently. However, this legal ground is quite narrow, so data processing activities should be assessed on a case-by-case basis.

**Individuals must be notified of data processing.** This should be done via public notices placed in the organisation's premises and proper implementation of local privacy policies (or update of existing ones).

**The data must be deleted in a timely manner.** The Russian data protection authority recommends that body temperature measurements are deleted within a day after collection.

**The data must be kept secure and confidential.** Security measures must be adequate given the sensitive nature of data being processed and types of security threats.

There are also issues around the need to monitor remote performance and ensure higher level of cybersecurity to protect confidential information (personal data, trade secrets). In light of this, you should review existing cybersecurity practices and implement new ones, such as setting out the rules for corporate asset use and carrying out technical monitoring of such use. The rules should properly implemented and communicated to employees.

#### *Tracing apps*

Legally, unless directly linked to fulfillment of job duties, employers cannot compel an employee to install any apps. If an employee refuses to install an app, the employer cannot deny him or her access to the workplace or stop salary payments. This could only be done by following the mandatory procedure in the Russian Labour Code.

### 4 Pay and leave

#### *Sickness and quarantine pay*

If an employee is sick, you are responsible for paying the first three days' sickness benefit. From the fourth day of absence, the Social Insurance Fund is

responsible for payment, though you pay out the benefit and reclaim from the Fund. The rate of sickness benefit depends on how long the employee has been insured with the Social Insurance Fund, varying from 100% of salary to statutory minimum wage. Employees must provide a sick leave certificate on their return to work. You must not dismiss an employee who is absent from work because of illness, unless the business is liquidated/wound up, or its activities are terminated.

If an employee is officially quarantined, their time will be paid as if they were on sick leave.

#### *Temporary pay support*

According to the temporary rules (from 20 March to 1 July 2020), sick leave due to coronavirus quarantine is paid by Social Insurance Fund for the whole period of quarantine (14 calendar days).

### 5 Reduction of activity and restructuring

#### *Reduction of activity*

The most commonly used measure is transferring employees to remote employment. Russian labour law also provides for several options to impose reductions of working hours, reduction in force, etc.

All measures affecting agreed working conditions require either employee consent or employers to follow the formal legal procedure of unilateral change to employment conditions (which has restrictions). All changes should be formalised in writing. There is no gardening leave or sabbatical in Russia. If the employer cannot provide employees with work due to the pandemic, it can impose paid downtime with compensation of two thirds of the employee's regular salary.

Employees who are not sick but are asked to remain away from work because they have returned from a high-risk area may be able to work from home. They should be paid as normal and may not be asked to use their annual leave entitlements to cover this absence. This is a practical solution and the law does not cover how to formalise this kind of change to working conditions. Crucially you remain responsible for employees' health and safety during working hours, even if they are not physically located at your premises.

An alternative approach is to agree on paid leave with employees. You can either allow them to use accrued days of annual paid leave or grant additional paid leave days.

If quarantine is imposed on infected employees, they must be suspended from work by law. This suspension is formalised with an official sick leave certificate, which specifies duration.

During the containment period in Moscow and other regions, employees aged 65 and over and people with chronic diseases should self-isolate. There is an exception to this measure for top managers, whose presence in the workplace is critical to the functioning of the company. You also should suspend employees who are 65 or over or who suffer from chronic diseases from work.

### ***Restructuring***

According to a Presidential Decree there is a moratorium on dismissals during the containment period. According to regional regulations some companies are still not allowed to resume normal operations, and not all companies can transfer employees to remote employment, meaning some employees are entitled not to work and receive their usual pay. According to the explanations provided by the Russian Federal Labour Service ('Rostrud'), termination of employment contracts with non-working employees is restricted. The authorities periodically change their guidance regarding this. Currently, dismissal of a non-working employee can only be at the employee's initiative, if the employer is prepared to accept the employee's resignation letter. Earlier Rostrud also allowed termination by mutual consent, and on the expiration of fixed-term employment contracts.

Generally, trade unions or other external bodies cannot impose restrictions on restructuring, unless they are given

special authority in the applicable collective bargaining agreement.

Depending on the number of employees to be made redundant a workforce reduction process may take from two to three or four months. Where there is a trade union operating in the company, the employer is obliged to consult with it about the dismissal of its members. Violation of this obligation will incur administrative liability for the company and its officers. It also risks the dismissal being held to be illegal, with reinstatement of an employee at work, and a requirement to pay the employee's average earnings for the entire time of forced absence. The dismissal may be considered as illegal both by the court and the state labour inspectorate.

## **6 Travel**

The Russian Government has announced (in a Government Instruction dated 25 March) that from 27 March, all flights between Russia and foreign countries are cancelled. Only flights for repatriation of Russian citizens from foreign countries will continue as well as flights based on separate decisions of the Russian Government. On 29 April 2020, the Russian Government extended temporary restriction of entry into the country by foreign nationals and stateless individuals, including those entering the Russian Federation through Belarus, and Belarusian nationals until the epidemic situation normalizes.

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There are exceptions for diplomats, some limited professional categories and for individuals applying in the context of the death of a close relative.

The migration authorities stopped accepting applications for work permits and work visa invitations, as well as other types of visa invitations, for all foreign nationals. Issuance of all types of work permits, including HQS work permits, are also be temporarily suspended. Exception is made only for those who have already arrived and are in Russia. There is a temporary procedure for hiring foreign nationals in Russia and suspension of migration terms that applies from 15 March to 15 June 2020. Employers who observe the necessary sanitary and epidemiological measures can hire both foreign nationals who arrived in Russia on a visa, but do not have work permits and foreign nationals who arrived in Russia from visa-free countries and who do not have migration patents. Employers hiring foreigners from visa countries can attract and employ foreign nationals. In addition, the validity period of migration documents for all foreign nationals legally residing in Russia is automatically extended (if it expires in the specified period).

The Government high alert, travel and migration regulation is being regularly updated based on global developments: you should track these updates. The regulation may also differ depending on the region.

## 7 Discrimination

Any discrimination (including coronavirus-based dismissals) arising from the coronavirus outbreak is prohibited.

## 8 Reporting to the authorities

The state authorities are empowered to request information about employees who may have been exposed to the coronavirus. You must provide them with this information.

## 9 Emergency laws and the implications for businesses

Various economic support measures have been introduced by the Russian Government, including a special procedure for the payment of sick leave, additional incentives for doctors, expansion of business lending, suspension of state audits, authorisation for online sale of medications, preferential treatment for distribution networks and importers of products, a deferral on lease payments upon requests of lessees, etc.

The measures to support business include, but not limited to:

- six-month deferral of tax payments (excluding VAT) for microenterprises, small and medium-sized businesses;

- six-month deferral of payment of social contributions for microenterprises;
- waiver of all second-quarter tax payments (excluding VAT and insurance payments) for companies from affected industries;
- a six-month moratorium on filing creditors' applications for bankruptcy of companies and debt collection;
- reduction (from 30% to 15%) of social contributions for small and medium-sized businesses;
- tax on all offshore income payments at 15%, instead of 2%;
- a direct complementary aid from the state to small and medium enterprises to pay salaries with the condition for receiving that at least 90% of the staff as of April 1st shall be to keep.

Each region of the Russian Federation may implement additional measures.

From 19 March to 31 May, access to all courts is limited. Only cases of an urgent nature are considered. Documents to the court should be sent by mail or via the Internet.

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# Saudi Arabia

Last updated:  
8/5/2020

## 1 Restrictions on daily life

The government has suspended workplace attendance for workers in the government sector (except for the health, security and military sectors, the electronic security centre, and the remote education system in the education sector) and the private sector until further notice. Employers in the private sector are permitted to have up to 40% of staff attend the workplace where they are performing business-critical roles.

All schools and universities are closed. Markets and malls are also closed with a few exceptions and restaurants are closed except for delivery services. Essential services such as hospitals, clinics, pharmacies and grocery stores remain open.

A nationwide overnight curfew is in effect from 19:00 to 06:00. A 24-hour curfew remains in effect in Mecca. Until 13 May 2020, general movement is permitted from 09:00 to 17:00 and limited commercial and economic activities have been permitted to resume. Social distancing must be observed and gatherings of more than five people are prohibited.

## 2 Resuming activity

If your business is permitted to be open wholly or in part, take precautions to protect the health and safety of all your staff. This can include providing tissues

and hand sanitisers, educating staff on the risks of contracting and spreading the virus and ensuring that staff who may have been exposed to the virus or who have similar symptoms do not attend work. It can also include finding alternative ways of working, including working remotely and keep up-to-date with government guidance.

Employees who are sick should be asked to go home or remain at home and seek medical treatment. Anyone who has come into contact with a sick person but is not showing any symptoms should be asked to see a doctor, particularly if they have travelled to a high-risk area.

You should educate staff on measures they can take to prevent infection and update them on any current government advice and material changes.

If employees are showing symptoms similar to the virus then they can be asked to get a medical diagnosis and to stay away from work until they recover. Employees can also be asked whether they have travelled to a high-risk area or have plans to do so in the near future.

Employees can refuse to disclose details of their medical health but if there is any suspicion that the employee may be a risk to the health and safety of others then he or she can be sent home and required to see a doctor chosen by you.

Employees cannot be forced to take a test but employers have the right to

request that they are seen by a doctor to prove their fitness for work.

## 3 Data privacy and the use of apps

### *Protecting privacy*

Employers should be careful to ensure that they protect the privacy of individuals and maintain confidentiality in relation to testing for the coronavirus, employees being subject to quarantine measures and employees reporting sickness.

### *Tracing apps*

Saudi Arabia has a number of apps that being hosted by different government authorities and which do a number of different things but these do not have a dedicated tracing feature. Employers cannot compel staff to employ an app. However, employers are entitled to require employees to pass a medical test to confirm their fitness for work and can refuse them entry into the workplace if they are suspected of posing a risk to health and safety in the workplace or to other members of staff.

## 4 Pay and leave

### *Sickness and quarantine pay*

Employees are entitled to 120 days' sick leave (comprising 30 days paid, the next 60 days at 75% of pay and the remaining 30 days without pay).



Where employees are placed in quarantine, they may not qualify for sick pay and payment of wages may be at your discretion.

### ***Temporary pay support***

The state has offered salary subsidies to Saudi national employees in the private sector. Employers can nominate up to 70% of their Saudi workers to be registered for salary support and they will receive SAR 9,000 per month or 60% of their wages; whichever is lesser. The support is available for three months and commenced from April 2020 for employers who have been impacted by the coronavirus measures taken by the government.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

If you don't have a homeworking policy then you should consider putting one in place to deal with the threat of the virus.

If employees need to be placed in quarantine, this should be done in accordance with medical advice where possible and for the shortest period required.

Where the workplace has to be closed, alternative work options should be considered for staff. Where these are not viable, you will need to decide either to

pay employees for any shutdown period, suspending the employment contract, or agree a period of unpaid leave.

Employers can require employees to take annual leave provided they give notice beforehand. Employers can also place employees on unpaid leave or reduce working hours and salaries with their written agreement. In limited circumstances, employers can make redundancies.

### ***Restructuring***

In April 2020, a Royal Order was issued granting salary subsidies through the General Organisation for Social Insurance (GOSI) for the private sector for three months. The subsidy is available for Saudi national employees only. Employers who benefit from the scheme are prohibited from terminating the employment of Saudi nationals. It is unclear for how long the prohibition is intended to last but it is likely to restrain employers for as long as the subsidy scheme is in place. Although it is not explicit, employers who do terminate employment risk having to repay the salary subsidies paid to employees.

The duration of a workforce reduction process will depend on whether consultation with the local labour office is required. Where an employer with 50 or more employees proposes to make redundant the lesser of ten Saudi nationals or Saudis who comprise 1% of the workforce within a 12-month period

then it is required to give notice to the local labour office at least 60 days before issuing notices to terminate employment and enter into a period of consultation with it. The labour office can reject the proposal or request that the employer agree a compromise or look at alternatives to avoid redundancies. The labour office can penalise employers by denying them visa and work permit privileges for expatriate employees if the notice process is not complied with or if the employer does not accept its recommendations.

Where there is no requirement to consult the local labour office then the redundancy process can be concluded in a matter of days if a payment is to be made in lieu of notice. Where notice is to be worked then the minimum period for notice will be 30 days in the case of a fixed-term contract and 60 days where the contract is issued for an indefinite term.



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## Travel

KSA has taken the following precautionary measures:

- All international passenger traffic, whether by air, land or sea has been suspended.
- Entry to the KSA to Mecca for Umrah and Medina to visit the Prophet's Mosque has been suspended irrespective of nationality, visa type or residence status.
- Tourist visas have been suspended for all nationalities.
- Anyone who has travelled to China, Hong Kong, Taiwan, Macao, Iran, UAE, Kuwait, Bahrain, Lebanon, Syria, Egypt, Iraq, Italy and South Korea in the previous 14 days will not be permitted to enter or transit through the KSA.
- Travel to and from mainland China has been suspended and expatriates who travel to China will not be allowed to return to the KSA.
- Anyone arriving in the KSA, including Saudi citizens and residents, will be placed in isolation for 14 days following their arrival.
- The Causeway bridge between Saudi Arabia and Bahrain and land

borders between Saudi Arabia and all neighbouring countries are restricted to commercial traffic only.

Limited repatriation flights have started and individuals will require a valid passport and authorisation to leave the country as well as permission to travel during curfew. Anyone presenting with a temperature or flu-like symptoms will not be permitted to travel. All domestic flights, public transport and taxis have been suspended until further notice. Travel between provinces in Saudi Arabia is prohibited. Authorisation for travel may be requested from the Ministry of Interior. Inter-urban bus, taxi and train services have been suspended until further notice.

## 7 Discrimination

There may be a risk of employees being discriminated against if they are sick or perceived to be sick. You should therefore take care to ensure that employees are not unfairly treated.

## 8 Reporting to the authorities

There is no requirement to report to the authorities at this time.

## 9 Emergency laws and the implications for businesses

The KSA government has announced a number of measures to support the private sector which include:

- lifting suspensions in relation to the Wage Protection Scheme and access to the services of the Ministry of Human Resources and Social Development due to non-payment of fines;
- allowing employers to lease or outsource workers through the Ajeer Program to reduce burdens and respond to demand;
- exempting employers from paying the expat levy on work permits that have expired and enabling employers to claim refunds for work permits and entry visas that have not been used;
- enabling business owners to postpone the payment of taxes (VAT, excise tax, etc.) for a period of three months; and
- postponing the payment of some government services fees and municipal fees for a period of three months.

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# Serbia

Last updated:  
11/5/2020

## 1 Restrictions on daily life

As of 7 May 2020, Serbia is no longer in lockdown: the state of emergency has been terminated and curfew has been suspended for everyone. However, the majority of measures are still in force.

All primary schools, high schools, and universities are still closed. Educational work is continuing through distance learning.

Restrictions that are still in place are:

- Closure of all border crossings and restricted entrance to the country on the authority's approval.
- Closure of counters of state authorities (excluding some, such as Post Offices or Tax Administration), although these are expected to open soon.
- Limitation of use of public transport to employees who have to use it for commuting and special rules for public transport (wearing masks and gloves, limited number of people inside a bus/tram/trolleybus).
- Suspension of intercity bus and railway transport, apart from organised transport of employees if approved.
- Prohibition on gatherings of more than five people in closed spaces

with mandatory two-metre distance between individuals. Weddings, birthdays and other celebrations will be permitted from 15 June 2020.

## 2 Resuming activity

Measures introduced by the Government so far to prevent spreading of coronavirus when restarting businesses are rather general, and a special Decree regarding measures is expected very soon. Current measures include: restriction of gatherings in public, open or closed spaces, so that one person per 4 m<sup>2</sup> is allowed (including employees), maximum number of persons allowed in a facility should be indicated at the entrance, physical distance of two metres, mandatory disinfection of premises, floors, inventory, machines, tools and appliances after service is provided to each customer, installation of foot disinfection at the entrance to facilities/stores, frequent ventilation of premises, regular disinfection of all common and hygienic rooms, etc.

Green markets, construction and retail businesses reopened on 21 April hairdressers, beauticians and gyms from 27 April, coffee shops and restaurants from 4 May (with specially measures for their activity), shopping malls on 8 May 2020. Cinemas and theaters will open on 31 May. For every of these businesses special measures are introduced, but in general they include the obligations listed above.

You are no longer obliged to introduce remote working for your employees, or work in shifts, night work, but it is still recommended.

Employees only have the right to refuse to come back to the office if adequate health and safety measures are not being put in place by the employer.

Your duty is to provide a safe workplace for all employees. In that respect, employees must inform you about every potential threat to their own and other employees' life and health, including if they are infected. Failure to comply with this may be a breach of duty in relation to health and safety and is grounds for termination.

Although the circumstances in which you can refer an employee to medical testing are limited, you must also ensure working conditions comply with health and safety regulations and are entitled to stop work that poses an immediate threat to employees' life or health. In view of this, it seems reasonable that you can refer an employee for testing for coronavirus if symptoms are present.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Currently no derogation from the constitutional right to protection of personal data has yet been put in place. This means that employers can adjust their business activities and data processing practices to address coronavirus developments, but any measure implemented must be fully in line with the Serbian Data Protection Law. This primarily results in employer's obligation to ensure the following in relation to personal data processing:

- **Adequate legal processing grounds** such as the employer's legal obligation to ensure safety and health at work, the legitimate interests of an employer or third parties, public interest, or even the protection of individuals' vital interests. Processing of health data also must fall within one of the exceptions to the general rule prohibiting the processing of sensitive data, including those listed here;
- **Specific and necessary purposes**, which include the need to determine whether employees and visitors are infected or have been in contact with infected people in order to provide a safe workplace for other employees and ensure business continuity. Regarding disclosure of the identity

of any (potentially) infected employee to other employees, this would be lawful only if it is strictly necessary for the protection of others;

- **Data minimisation principle**, which requires that employers should only collect the information strictly necessary for achieving a specific purpose. For instance, it would be proportionate to collect data such as previous contacts with supposedly infected persons and stays in high-risk areas, whether a person is symptom-free, and contacts made with others within the organisation.

Although it may be considered reasonable, at least in certain circumstances, it is questionable whether checking employees' temperature on-site is permitted, due to a strong conflict between the employment and privacy related rules. The Serbian Data Protection Authority has not yet issued its position on this, but is expected to follow the EU authorities' interpretation that this is generally prohibited (especially since the relevant provisions of the law are almost identical). Nevertheless, a recent draft of the Government's decree prescribes a mandatory temperature check on site for all employers, so this topic should be reviewed soon. In any case, we believe there are arguments in favor of its permissibility under specific

conditions, and the relevant enforcement risk in practice seems relatively low at the moment.

- **Prior notification**, which means that the employees and visitors should be properly informed of all aspects of data processing and their related rights, which can be performed either by amending existing privacy notices or (ideally) by preparing new ones specifically addressing the coronavirus circumstances.

Depending on the specific measures implemented, you should also consider performing a data protection impact assessment (DPIA) prior to collecting any personal data from individuals relating to coronavirus. This assessment is mandatory when the processing is likely to result in a high risk to individuals' rights and freedoms. In Serbia this explicitly includes the large-scale processing of health data, but is very helpful in other cases as well to ensure compliance with key data processing principles. Employers should avoid the use of overly intrusive measures, such as tracing apps, video or other monitoring of employees.

#### *Tracing apps*

The Serbian Data Protection Authority has not yet issued any guidelines related to the use of tracing apps in the coronavirus context, nor has any specific regulation been adopted.

However, considering that Serbian Data Protection Law reflects the GDPR to a large extent, it is reasonable to expect that Data Protection Authority will follow the EU authorities' guidelines on this, which have emphasised the need for the tracing apps to be used on voluntary basis only. This would be in line with both the principles of the Serbian Data Protection Law and the Data Protection Authority's position previously taken in similar monitoring cases.

As a result, an employee who decides not to use the app cannot be compelled to do so or reprimanded in any way, such as by stopping salary payments or denying access to the workplace.

#### 4 Pay and leave

##### ***Sickness and quarantine pay***

An employee will be placed on sick leave according to a medical certificate for coronavirus infection (or other illness) and will be entitled to 65% percent of his or her salary. The employer pays the first 30 days of sick leave, after which the state pays. In the event of quarantine caused by a contagious disease, the employee is entitled to 65% of salary.

##### ***Temporary pay support***

The Government has introduced fiscal incentives and direct payments for employers who did not reduce the number of employees by more than 10%

between 15 March and 10 April 2020. They are:

- Deferral of payment of salary tax and contributions for the beginning of 2021 at earliest and payment of these taxes and contributions in 24 monthly installments;
- For entrepreneurs, micro, small and medium companies: payment to employees of minimum salary (approximately EUR 260) per month for each employee for maximum of three months;
- For large companies on which closure was imposed (based on Articles 116 and 117 of the Labour Law): aid of 50% of minimum salary (approximately EUR 130) per month for each employee not working due to interruption of work for a maximum of 3 months, on condition that interruption of work lasted longer than 15 working days in the month in question.

To keep all payments and rights provided by the state, employers must obey the ban on reducing employee numbers by more than 10% until 31 October 2020, otherwise they will be obliged to return all payments.

Businesses which use fiscal incentives and direct payments cannot pay dividends until the end of 2020.

#### 5 Reduction of activity and restructuring

##### ***Reduction of activity***

You may introduce some of the following measures when needed to reduce your activity:

- Reduction of working hours (based on employee's request / consent or as an alternative measure for resolving redundancies).
- 'Forced paid leave' due to temporary interruption of work for 45 working days which is not the employee's fault (compensated at 60% of the average salary, but not lower than minimum wage).
- Regular paid leave (compensated at 100% of average salary).
- Paid leave because of employer's inability to guarantee safety and protection of life and health at work, based on the competent state authority's order or employer's decision or in other cases stipulated under the law (i.e. prohibition of work by certain businesses). The amounts of compensation should be envisaged by the general act or employment contract, and there is no minimum prescribed.

- 

Annual leave, either collective or individual (notification must be delivered to the employee 15 days in advance unless the annual leave is granted upon their request).

- Unpaid leave only (possible upon the employee's request).
- Termination of employment for redundancy.
- Introducing the minimum salary for all employees based on grounded reasoning.
- Not renewing employment for a definite term.

### ***Restructuring***

You are allowed to restructure your workforce in the regular way, since there are no specific guidelines in the context of coronavirus crisis. While restructuring, employees can be made redundant under general rules prescribed by the Labour Law. However, if you wish to use state's incentives, you should consider the cap on the number of employees to be made redundant (under 10% of the total number).

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## **6 Travel**

All Serbian borders are still closed for passenger traffic, except for authorised entry approved by the authorities in the national interest and for humanitarian reasons. Prior to that, the Government prohibited employers in Serbia to send their employees on any work trips.

## **7 Discrimination**

Serbian law forbids discrimination against individuals due to their medical condition. These general rules will apply where employees are suspected to have or have coronavirus.

## **8 Reporting to the authorities**

Employers must immediately report any occurrence that may jeopardise employees' safety and health to the Labour Inspectorate and the Ministry of Internal Affairs, as well as to report any cases of the coronavirus among employees at work. Based on this, we recommended you abide by this rule when there is a possible coronavirus infection among employees. When reporting, you must respect data protection principles (see 3 above).

## **9 Emergency laws and the implications for businesses**

Since the state of emergency has been terminated, no curfew is now in force. This significantly reduces temporary

policing or surveillance powers, compared to the situation from the previous days when curfew was in force.

For now, all gatherings for more than five persons in public, open or closed spaces are forbidden.

The deadlines in administrative proceedings have been halted even after the termination of the state of emergency.

## **10 Other points**

The Ministry of Health has a direct emergency phone line for all information about coronavirus and instructions for before and when someone has symptoms and a [website](#) with daily updates on the situation in Serbia and the rest of the world.

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# Singapore

Last updated:  
11/5/2020

## 1 Restrictions on daily life

The Singapore government has imposed a set of 'circuit breaker' measures to curb the spread of coronavirus from 7 April 2020 to 1 June 2020.

### *Workplaces*

Only essential service providers in the following sectors can operate during circuit breaker: health and social services, food and beverage, energy, environmental, transportation, information/communication, defence, construction for critical public infrastructure, manufacturing, banking, limited legal services, etc.

However, not all establishments in the aforementioned sectors may operate. For instance, establishments that sell mainly beverages and desserts remain closed. These restrictions are being lifted progressively: please see 2.

Non-essential services in the workforce can continue work via telecommuting only.

### *Schools*

All schools were on home-based learning from 7 to 30 April 2020. In Singapore, school holidays are usually in June. In light of the extended circuit breaker period, the Ministry of Education (MOE) has brought forward the June holidays to begin from 4 May 2020 instead. Lessons

will resume on 2 June 2020, but whether these will be face-to-face or online will be announced subsequently. Pre-school and student care services will continue to be closed during the circuit breaker period, but will provide limited services where both parents are working in essential services.

### *Individuals*

Individuals should not leave their residence except for essential activities, or meet anyone who is living in another household. Essential activities include:

- send child to childcare if parents are essential service providers;
- obtain essential goods and services (e.g. food, groceries);
- exercise alone or with others you live, in green or open spaces;
- seek medical help ;
- move house ; or
- comply with legal requirements, etc.

All individuals must wear a mask when they leave the house, except when engaging in strenuous exercise.

Previously, residents living in certain types of residential buildings were not allowed to exercise within common areas. However, from 5 May 2020 onwards, these restrictions have been lifted. Enforcement officers, Management Corporations and Managing Agents must ensure safe distancing measures are

followed. Sports and recreational facilities (e.g. playgrounds, swimming pools, gyms) must remain closed.

## 2 Resuming activity

For essential services allowed to operate, all activities that can take place through telecommuting must be done from home. Employers must reduce physical interactions by enforcing safe distancing at the workplace, staggering work hours, and ensuring no cross-deployment of staff across teams and worksites. Employees should wear a mask at work and avoid gatherings at staff canteens or meals in groups.

Essential service providers must also submit details of their plans for safe distancing measures which, as far as reasonably practical, must include:

- ensuring natural ventilation;
- taking body temperatures of staff and patrons;
- obtaining and keeping contact details for contact-tracing measures; and
- refusing entry to anyone who is symptomatic, etc.

All food outlets must offer takeaway and delivery only. If individuals form a queue or wait in an area in the premises for any reason, the business must ensure that every individual in the queue or area is at least one metre away from any other individual in the queue or area.

The Government has begun progressively lifting restrictions. From 5 May 2020, the following businesses resumed:

- Traditional Chinese Medicine (TCM) treatment and TCM medical halls will be allowed to sell retail products, on top of the consultation and herbal dispensary services that they can currently provide (on a needs basis).

From 12 May, the following businesses may resume:

- Manufacturing and onsite preparation of all food, including confectionery, ice cream, cocoa, chocolate, and other snacks;
- retail outlets of food, including confectionery, packaged snacks and desserts, takeaway and delivery only;
- home-based food businesses, but only for delivery or collection (contactless, by appointment);
- retail laundry services.

- hairdressers for basic haircut services;
- retail of pet supplies.

Relevant advisories issued will be updated [here](#).

You can require employees to disclose their travel history and to notify you if they have been infected. If you impose such a requirement on an employee, he/she cannot refuse to inform you. Failure to inform you may be an act of misconduct.

Employers cannot direct employees to be tested for coronavirus. However, if you believe an employee may be infected, you can ask him/her to undergo a medical examination and if he/she refuses, you may take the necessary disciplinary action provided that your policies allow you to do so for acts of insubordination.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Organisations may collect personal data of visitors to premises for the purposes of contact tracing and other response measures in the event of an emergency, such as the coronavirus outbreak.

In the event of a coronavirus case, relevant personal data can be collected, used and disclosed without consent

during this period to carry out contact tracing and other response measures, as this is necessary to respond to an emergency that threatens the life, health or safety of other individuals.

Organisations that collect such personal data must comply with the data protection provisions of the Protection Data Protection Act, by making reasonable security arrangements to protect the personal data in their possession from unauthorised access or disclosure, and ensuring that the personal data is not used for other purposes without consent or authorisation under the law.

#### *Tracing apps*

The Government has developed the TraceTogether smartphone application (app) for tracking close contacts where necessary. Data is stored on the app for 21 days and will only be accessed if an individual has coronavirus or is identified as a close contact of a confirmed case.

Generally, you are not permitted to compel your staff to install the app except possibly where an employee is using a work phone, and your policies allow you to dictate what may or may not be installed on the work phone.

## 4 Pay and leave

### *Sickness and quarantine pay*

There are no changes to the law on sick leave. Employees are statutorily entitled to paid sick leave if:

- they are covered under the Employment Act (EA);
- they have served their employer for at least three months; and
- they have informed or tried to inform their employer within 48 hours of their absence.

An employee's number of paid sick leave days entitlement is prorated according to the employee's length of service.

Employees on a Stay Home Notice (SHN) or a Quarantine Order (QO) should be able to count this period as part of sick leave or paid hospitalisation leave as part of the employee's hospitalisation leave eligibility under the employment arrangement or under the EA.

Where an employee is hospitalised due to coronavirus, he or she would be entitled to paid hospitalisation sick leave. If the employee has already used up his/her paid hospitalisation leave entitlement, then the employer is urged to exercise compassion and flexibility by

granting additional paid hospitalisation leave.

Employers will receive a SGD 100 daily payout per affected employee for the duration of a SHN or QO issued to the employee. The support will not apply if telecommuting arrangements are available for work to be performed remotely by affected individuals.

For SHN, the support will also not apply if the affected S Pass or Work Permit holders began their SHN on or after 1 April 2020, regardless of when the SHN ends. This is considering the foreign worker levy rebates and waivers available in April and May 2020.

### *Temporary pay support*

There are currently no temporary benefits in place for employees who have been terminated as a result of coronavirus or have agreed to take unpaid leave.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Employers must mutually agree with employees on the implementation of cost-saving measures such as salary reductions or reduction of working hours. If this is not possible, employers may have no choice but to layoff employees. Any implementation that would have the effect of reducing an employee's salary

must be notified to the MOM. There is no need to seek prior approval from MOM for temporary salary reductions of foreign workers as a result of the coronavirus situation if MOM will be notified. MOM will be flexible where the salaries of foreign employees may temporarily fall below the respective salary criteria.

### *Restructuring*

No specific measures apply or have been introduced.

## 6 Travel

Based on current regulations,

- All short-term visitors will not be allowed to enter or transit through Singapore.
- Only work pass holders and their dependents who provide essential services will be allowed to enter/return to Singapore.
- All existing work pass holders and their dependents entering Singapore will require prior approval from the MOM before arrival.
- From 9 April 2020, all overseas returnees must serve their SHN in Government-designated facilities.

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- Any Singapore citizen or Long-Term Pass holder who leaves Singapore from 27 March 2020 in disregard of prevailing travel advisories will be charged unsubsidised rates for inpatient stay at public hospitals if they are admitted for suspected coronavirus and have onset of symptoms within 14 days of returning to Singapore. Singaporeans will also not be able to claim on their public medical insurance plans.
- Any work pass holder and their dependent who leaves Singapore from 27 March 2020 will be deprioritised for entry approval.

The Government has advised Singaporeans to defer **all** travel abroad. As far as possible, you should not require your employees to travel during this time. To compel an employee to travel, that travel must be within the employee's ordinary course of work. Your right to require such travel must be balanced against your duty to take necessary measures to ensure the safety and health of employees at work, so far as is reasonably practicable.

## 7 Discrimination

An employer should not be exposed to any allegation of discrimination only by reason of imposing any restrictions or directives on an employee infected with coronavirus.

## 8 Reporting to the authorities

For disclosure of relevant personal data required for contact tracing, please see 3 above. Employers should not make wider disclosure beyond what is necessary for purposes relating to the coronavirus pandemic.

## 9 Emergency laws and the implications for businesses

The Singapore Government has introduced a set of financial support measures in the annual budget that provide, inter alia, wage support for employers, and direct cash payouts to Singapore citizens.

It has also introduced further support measures such as a temporary bridging loan programme, tax, rental, and corporate tax rebates, and rental waivers.

New legislation, the COVID-19 (Temporary Measures) Act 2020 (the 'Act'), has been enacted to provide temporary measures and deal with issues relating to the pandemic. Under the Act, there are increased thresholds for bankruptcy and winding up applications, and temporary relief from actions for an inability to perform certain types of contract.

Subsidiary legislation, namely the COVID-19 (Temporary Measures) (Control Order) Regulations 2020, has also been enacted under the Act to give

force of law to the restrictions set out in 1 above.

Separately, courts in Singapore will hear only essential and urgent matters until 1 June 2020. All other matters that were scheduled for hearing during this period will be adjourned.

## 10 Other points

It remains to be seen what measures will be implemented post-circuit breaker, but normalcy is likely to resume in a progressive manner.

[Health advisories for various sectors in Singapore.](#)

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# Slovakia

Last updated:  
13/3/2020

## 1 Safety and hygiene

As you are responsible for health and safety at workplace, you need to take precautionary measures, for example, informing staff about how to minimise the risk of contagion, regular workplace disinfection and limiting business trips abroad.

You are entitled to send an employee for a medical examination, after consultation with employees representatives and the doctor. If they have symptoms of the disease or have recently been on a trip to a high-risk country, you can order them to stay at home, but you must continue to pay wages at the usual rate, unless they have a right to sickness benefits. If the statutory conditions are met, you may order the employee to take annual leave, or you might be able to agree homeworking.

Overall, keep your employees informed, do not compel them to travel abroad and create a plan to ensure the continued smooth functioning of the company, even if some employees are quarantined.

## 2 Testing

You can require employees to tell you whether they have recently visited a high-risk country, as this in your legitimate interests. They are obliged to let you have this information.

If you have reasonable doubts about the health of an employee, you are entitled, after consulting the employee representatives and a doctor, to order the employee to take a medical test.

## 3 Restrictions on daily life

If an employee has to care for a child under ten during a school closure, s/he is entitled to time off work and so-called 'nursing benefit', payable by the Social Insurance Agency. In other cases, you can agree paid or unpaid leave with affected employees.

If your employees could practically work from home, you are free to agree on a home working arrangement at any time.

If quarantine measures are ordered and an employee cannot work because of this you are obliged to pay the employee (at 25% - 55% of the employee's daily assessment) for ten days. Thereafter, the employee is entitled to sickness benefit, payable by the Social Insurance Agency.

Even if no quarantine is ordered, you may decide to close the workplace. If possible, you should agree for homeworking to be done. If certain statutory conditions are met, you can order the employee to take leave, but if not, you will have to pay the employee in the ordinary way.

## 4 Pay

For the first ten days of sick leave or quarantine, you must pay:

- 25% of the employee's daily assessment base for the first three days,
- 55% of the employee's daily assessment base from the fourth to the tenth day.

From the eleventh day, the employee will be eligible for sickness benefit payable by the Social Insurance Agency, at of 55% of the employee's daily assessment base.



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## 5 Travel

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Generally, you can require employees to take a business trip to a country or area of risk if this is agreed in the employment contract or the employee gives consent. However, you should think about how necessary it is to travel, the level of risk involved and the medical fitness of the employee. On this last point, it is advisable not to send older employees or those with cardiovascular disease and it is best to avoid the business trips to the highest risk areas.

## 6 Discrimination

Make sure not to discriminate directly or indirectly against any particular group when devising your policies.

## 7 Reporting to the authorities

There is no requirement at present for employers to report instances of coronavirus to the authorities.

## 8 Advice from the authorities

The Public Health Authority and Chief Hygienist of the Slovak Republic have published general recommendations on hygiene habits and other measures to prevent the transmission of the disease. However, special guidelines for employers have not yet been issued. You may, however, seek advice via various hotlines provided by these state authorities.

# Slovenia

Last updated:  
12/5/2020

## 1 Restrictions on daily life

From 16 March in Slovenia restrictions on daily life have been imposed. Namely:

- Restriction on public passenger transport of, with few exceptions (taxis, special bus services and transports required for emergency services, but preventive hygiene measures had to be respected). From 11 May certain public passenger transport is allowed, however the strict hygiene recommendations of the National Institute of Public Health ('NIJZ') must be respected.
- Prohibition on sale of goods and services to consumers, including accommodation services, catering services, wellness services, cultural services etc., whereas services of stores that mainly sell food, sale of farm produce, pharmacies and orthopaedic stores, the garden and agriculture stores, banks, post offices, distance selling (online), sale of newspapers etc. were exempted from the prohibition on retail. These restrictions were partially eased at the beginning of May.
- All educational and childcare establishments in Slovenia are closed (with the exception of some special needs institutions). From 18 May 2020, kindergartens and

schools (but not for all children) will gradually open.

- Temporary suspension of the operation of border crossings for border traffic (with certain exceptions for daily workers).
- All public gatherings and public events and other events in public places in Slovenia are prohibited from 20 March 2020 (some exceptions apply). The prohibition does not apply to individuals performing economic activities or travelling to and from work. Outdoor sports and recreational activities of an individual character or that are not normally possible without contact are now permitted.

In a closed public places the use of a protective mask or other form of protection (scarf or similar covering for nose and mouth) is obligatory as is disinfecting hands. The disinfectant must be provided by the service provider.

## 2 Resuming activity

Restrictions are slowly easing. From 4 May 2020 the following businesses were allowed (with strict measures for prevention of spread of the virus):

- construction works;
- stores selling mainly construction materials, technical goods or furniture;

- shops up to 400 m<sup>2</sup>, with the exception of shops in shopping centres;
- specialised stores for sale and repair of motor vehicles and bicycles;
- dry-cleaning and repair shops;
- outdoor services (gardening services, roofing works, facade works, etc.);
- personal pick-up of goods or food at pick-up points with minimal client contact;
- hairdressing and cosmetic activities, massage and pedicure, pet care salons;
- outdoor sports and recreational services and facilities and outdoor sports areas;
- insurance brokerage services, real estate brokerage services;
- carwashes;
- libraries, galleries and museums;
- chimney sweeping services;
- food and beverage service exclusively on terraces and gardens of catering;
- textile, footwear and leather production and repair and key production services;
- photographic activity services, photocopiers, watchmakers and goldsmiths.

NIJZ has published several very strict [guidelines](#) that have to be followed by the service provider and the client / customer in order to ensure health and safety.

For businesses in other fields, the Slovenian Government still strongly recommends that as many employees as possible work from home but has not adopted any specific regulation instructing work from home.

If the employer does not decide to send employees to work from home or cannot due to the nature of work, NIJZ has published general recommendations the employer has to follow and measures it must implement, such as alerts to sick employees to stay home and follow instructions, cancellation of non-urgent business trips, implementation of daily hygiene measures to prevent infection, adoption of an internal security protocol against the spread of the virus, and measures to reduce person-to-person contacts. Masks are not obligatory for all cases, but might be, depending on the businesses.

You must ensure health and safety at work. If this is not ensured, an employee has the right to even refuse work if (s)he is in imminent danger to life or health because the prescribed safety measures have not been implemented. The employee can also state that the danger is eliminated by the employer. If the employer does not remedy the danger, the employee may request labour inspection mediation.

Employees must comply with the rules on safety at work and also protect their own life and health as well as that of their co-workers. Based on this obligation, they are obliged to inform employer if they are infected. You cannot force an employee to get tested for coronavirus.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

The Slovenian Information Commissioner (IC) emphasised in several guidelines that legislation on the protection of personal data (including the GDPR) does not constitute an obstacle to the fight against a pandemic, since it is in the common interest of all to stop the disease effectively. However, even in these exceptional circumstances, individuals have the right to the protection of personal data and privacy and certain safeguards must be taken into account when determining measures concerning processing of personal data to ensure it is lawful.

The IC did not give a clear answer on whether employers are entitled to perform employee temperature checks when entering the employer's business premises, as this should be assessed on a case-by-case basis. The IC published some recommendations which should be followed, such as consultation with the occupational medicine practitioner on whether such measurement is necessary

and justified and to what extent employees should be informed. All fundamental principles of personal data protection must be respected.

You can request information from an employee on whether he or she is infected and can also inform other employees which employee is/was infected with the coronavirus.

#### *Tracing apps*

To our best knowledge there are no such official apps in existence and/or allowed yet. According to the IC, the technological solutions currently under discussion at EU and global level are very diverse. Regarding use and development of tracing apps, the IC refers to the Guidelines 03/2020 on the processing of data concerning health for the purpose of scientific research in the context of the COVID-19 outbreak available [here](#). It also refers to Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak available [here](#).

### 4 Pay and leave

The Parliament adopted an emergency law to protect jobs and partially reimburse employers sending employees home to wait for work when they cannot provide work for the employees, when the employees cannot work due to force majeure and for employees who cannot work due to quarantine.

Under the emergency law, when an employer cannot provide work and sends the employees home to wait for work, employees are entitled to receive 80% of their salary. Employers who sent their employees to wait for work until 31 May 2020 (or shorter), and estimate that their revenue in the year 2020 will decrease by more than 10% compared to 2019, are eligible for reimbursement of the paid salary to the employees from the state. The same rules apply when employee cannot work due to force majeure (such as force majeure resulting from childcare due to the closing of schools and kindergartens or lack of public transport): the employee is entitled to 80% salary compensation, while the employer may request compensation from the state under the same conditions as when it sends employees home due to temporary lack of work. The law provides some other conditions, which apply for the enforcement of these subsidies.

In both cases above, the state will cover the total paid compensation and employers are also exempted from all social security contribution payments for salary paid between 13 March and 31 May. The payment must not exceed the average salary in Slovenia for 2019, calculated on a monthly basis. Relief from contribution payment is not applicable for certain categories of employers (e.g. state budget users).

If an employee cannot work due to quarantine, (s)he will also be entitled to 80% of salary. In this case, the

emergency law foresees that the government will cover the entire cost, as in cases presented above.

Under the emergency law two measures for employees still working, were also implemented. The state will pay the employee's and employer's contributions for pension and disability insurance borne by the employer for all employees who are still working during the validity of the temporary measures, between 13 March and 31 May 2020 (certain exceptions apply). However, employers must pay the monthly crisis subsidy of EUR 200 to all employees still working, for the days they have been working. This is exempt from taxes and contributions, provided that their last monthly salary was not exceeding three times the minimum salary.

More information on the provisions of the emergency law is available [here](#).

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Many employers have instructed their employees to work from home. Although usually an employment contract has to regulate home office, the Slovenian Ministry of Labour, Family, Social Affairs and Equal Opportunities has said that in emergencies as the coronavirus outbreak there will be more flexibility and understanding. The Ministry further

explained that in exceptional circumstances employers should as far as possible follow the rules that apply for regular work from home. Therefore, it is advisable to provide employees with clear instructions about work from home, to assure a safe working environment to the extent possible and to notify the labour inspector about work from home. It should be mentioned that following the easing of the measures, employers gradually are withdrawing home office.

Employers cannot unilaterally order employees to use annual leave or require them to take unpaid leave.

The employer also cannot demand an employee to go into quarantine, thereby preventing him or her from working. Quarantine can only be ordered by the Minister of Health. You may, however, instruct employees not to work but in this case they are entitled to 100% of salary.

For implementing changes such as change of the work position, place of work, working time (full or part time, etc.), or changes to salary a new employment contract or an annex has to be concluded, meaning these terms cannot be changed unilaterally by the employer.

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### **Restructuring**

Termination of employment contracts is possible if the employer can prove that a business reason exists under the Slovenian Employment Relationships Act.

The usual rules applicable for redundancy apply in this case.

### **6 Travel**

Transport by private vehicles is possible. Most employers have cancelled all business trips, however, if an employee is still sent on a business trip, he or she can refuse, indicating that the working conditions do not comply with appropriate health and safety conditions and pose a threat to health.

### **7 Reporting to the authorities**

If an employee shows signs of infection in the workplace, he or she must consult a medical service by telephone for instructions on how to proceed. If the employee proves to be infected with coronavirus, he or she must stay home on sick leave. If this is not the case, but the employer and the employee agree on work from home, the Labour Inspectorate must be informed.

### **8 Emergency laws and the implications for businesses**

The Slovenian Government has introduced several laws granting different

benefits for businesses as well as individuals and for facilitating their lives during the pandemic. They include:

- The partial closure of the courts. The courts are only holding hearings and issuing decisions in matters considered urgent; procedural deadlines are also suspended. Some administrative deadlines and procedures have also been temporarily suspended.
- Mandatory moratorium on bank loans (for companies as well as individuals).
- No advance payments of corporate income tax for April and May, extended deadlines for annual reports, tax filings and tax payments deferral.
- Exemption from enforcement, suspension of execution of enforcement orders.
- Financial aids and other financial products from Slovenian Export and Development Bank (SID), Slovene Enterprise Fund (SPS) and Slovenian Tourist Organization (STO).
- Certain temporary amendments of insolvency legislation and compulsory liquidation.

- Aids and other financial measures for the self-employed.

The Slovenian Government has introduced a package of economic support measures for businesses and individuals affected by the coronavirus crisis. Details are available [here](#).

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# South Korea

Last updated:  
11/5/2020

## 1 Restrictions on daily life

There is no general lockdown order in place and no mandatory shut down of non-essential business operations in South Korea. Many public facilities such as schools and daycare centres are temporarily closed. Schools are scheduled to begin reopening on a staggered schedule starting 13 May for high school seniors and 20 May for other grades. Daycares remain open for 'emergency' service for parents who need it. From 6 May, the government shifted from its 'Social Distancing Campaign' to the more lenient 'Distancing in Life.' This 'encourages' people to maintain a two-metre distance and to avoid visiting crowded places. The government plans to resume social/economic activities gradually, and start reopening outdoor public facilities, with indoor facilities to follow. The situation remains fluid though, and in response to a new outbreak of cases from Seoul nightclubs, on 9 May Seoul City ordered the closure of certain kinds of clubs, and bars, indefinitely.

## 2 Resuming activity

The Ministry of Employment and Labor ('MOEL') has issued guidance for employers on responding to the coronavirus outbreak. The latest version (8<sup>th</sup> edition) is [here](#), in Korean. It includes the following.

Encourage employees to keep good personal hygiene practices by providing enough hygiene-related products, and keep the workplace clean through proper disinfection and other measures. In the event of a suspected case in the workplace, immediately have the employee wear a mask, segregate the employee in an isolated place, and consult the appropriate public health clinic or the Korean Centers for Disease Control and Prevention ('KCDC', dial 1339). Absent other specific official instructions, immediately send the employee home. If an employee outside the workplace has symptoms, the employee should not come to work and should be:

- granted sick leave, if provided by company policy;
- allowed to use annual leave, if the employee consents to or requests it; or
- instructed to stay home on temporary unpaid leave (furlough) and paid a 'shutdown allowance' (see 5 below) if he/she declines to use annual leave.

In the event of a confirmed case, immediately report it to a public health clinic or the KCDC, have the employee wear a mask and segregate him/her in an isolated place. Employees with whom he/she had contact should wait for public-health personnel to arrive, in a designated isolated area wearing a mask.

Inform all other employees in the workplace (including on-site contractors and dispatched workers). Government disease-control staff will disinfect the workplace and may shut down affected areas until the following day. Employees confirmed as carriers outside the workplace should report it to their employer and follow instructions from government officials. The government 'encourages' people to maintain a two-metre distance, ventilate at least twice a day and to disinfect equipment in public places daily. Information about the 'Distancing in Life' campaign is available [here](#).

## 3 Data privacy and the use of apps

### *Protecting privacy*

If you collect information from employees or visitors about travel histories or health, you should obtain their consent under the Personal Information Protection Act ('PIPA'). This information is 'personal information' under PIPA, and collecting it requires consent, subject to exceptions. Rather than relying on one of PIPA's exceptions, it is safest to obtain informed consent, in the required form, where possible. Tracking employees' recent movements inevitably involves collecting individual location information, which may be regulated under the Protection and Use of Location Information Act (the 'Location Information Act'). In general, an employer must receive consent to collect

location information. You generally cannot force an employee to submit to medical testing. Suspected cases that meet the government's guidance criteria should be reported to the authorities, who can conduct tests and issue any necessary orders for public health and safety. Medical information, including temperature, is 'sensitive' information that requires distinct and separate consent. Obtaining individual consent is generally not required for essentially anonymous temperature-monitoring systems (using thermal cameras) as now used in many building entrances.

### ***Tracing apps***

Where an employer uses a tracing app to collect employees' personal information, privacy-related laws apply, see below. If the employer just encourages employees to use a third-party app and does not itself receive employees' personal information, these laws will not apply to the employer. If individual employee consent is obtained properly, installing and operating a tracing app, in itself, is not likely to violate any law. However, because there is no statutory duty to install tracing apps and it is not essential to maintaining an employment relationship, it will be difficult to defend enforcing mandatory installation by imposing adverse measures, such as preventing non-compliant employees from entering the workplace or suspending their salaries. Imposing these measures may result in any consent being invalidated, which could lead to

criminal punishment, as well as potential civil liability. 'Installation of surveillance equipment for workers within a workplace' requires consultation with any labour-management council (employers with 30 or more employees must have one). The council should be consulted unless the app is disabled from working within the workplace. Because tracing applications constantly trace location, this can infringe employees' personal privacy rights and risk civil liability. This risk can be reduced by ensuring the app's collection and use of information is narrowly tailored to protect the workplace and prevent any outbreak (for example, limiting GPS activation, restricting range and frequency of tracing, and stating the app will only be active during the pandemic). There is no legal requirement to inform other employees if a tracing app triggers any alert. However, government guidelines recommend certain steps when there is a confirmed or suspected case at work, see 2 above. An alert from a private app would not be sufficient to justify mandatory unpaid leave.

## **4 Pay and leave**

### ***Sickness and quarantine pay***

If the government orders a workplace to be shut down due to a confirmed or suspected case of coronavirus, you are not legally required to pay any wages to employees who work there. However, the government recommends paying employees to the extent possible. If you

close down a work location or put employees on leave at your own initiative as a precaution or because of loss of business you must pay the 'shutdown allowance' described in 5 below. If an employee cannot work due to being hospitalised/quarantined, you are not legally required to pay wages for that period. However, employers are recommended to pay, and can apply for a government subsidy of up to KRW130,000 (about USD 105) per day to support offering paid leave to these employees. An employer who applies for these subsidies must grant paid leave at least equal to the subsidy. Employee could also choose to use annual leave or sick leave if available or allowed under company policy.

### ***Temporary support pay***

Certain subsidies available within Korea's unemployment-insurance system have been expanded or newly created. One significant example is the expanded 'employment-retention subsidy.' This subsidy is intended to defray the cost of paying workers a shutdown allowance rather than downsizing. The government has increased the subsidy and loosened the eligibility criteria. The basic conditions are, essentially, as follows.

- A 15% or greater revenue loss (calculated under certain rules) is generally required, but in connection with the coronavirus pandemic this requirement has been loosened so

employers can currently just show some lesser revenue loss or other evidence of sufficient negative impact due to coronavirus.

- The employer must either (or both): reduce employees' working hours by more than 20%, or place them on unpaid leave for more than one month, in each case requiring payment of the shutdown allowance for the period of leave or in proportion to the reduced hours.
- The employer must consult with an employee representative (if there is no majority union, this will be chosen by the majority of employees), and obtain individual employees' consent for placing them on full leave.
- The employer must commit not to downsize or hire while receiving the subsidy, and for a further month thereafter.

The maximum subsidy is currently KRW66,000 (almost USD 55) per employee per day, for up to 180 days per year. Within the cap, the subsidy is based on the amount of shutdown allowance paid to each employee and the total number of employees. For employers with 100 or more employees, it has been temporarily increased from half to two thirds of the shutdown allowance. For employers with fewer than 100 employees it has now been increased to 90% temporarily. There is another

version of the employment-retention subsidy available where employees agree **not to receive the shutdown allowance** during a shutdown/furlough, but it is subject to impractically strict eligibility requirements. An alternative 'quick approval' version of this subsidy has recently been established, but the cap is much lower at just KRW500,000 per person per month for up to 90 days. Other pre-existing employment-related subsidies are available. A subsidy for certain employers that adopt flexible working arrangements has not been increased but the procedures are being relaxed due to the COVID-19 outbreak. There is also a new temporary subsidy for employees who take statutory unpaid days off to take care of their young children (aged eight or in the 2nd grade or below) whose schools have been shut, or other family members who have been quarantined. The maximum is KRW 50,000 or about USD 41 per day, for up to ten days (increased from five days from 8 April). These family-care days off are unpaid, and this subsidy may encourage more employees to use them.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Many companies are implementing flexible working arrangements to reduce the number of employees in the workplace at a given time. Employees who work from home are subject to the

same working-hours limits and overtime pay rules as in the office, but with less supervision and control. If you decide to close the workplace, you must pay at least a 'shutdown allowance' equal to 70% of each employee's average wage (or 100% of the employee's ordinary wage, if lower). The shutdown allowance is not legally required if the shut-down is government ordered in response to a confirmed or suspected case of coronavirus, see below. Employers cannot generally require employees to accept a pay reduction or unpaid furlough, or lay off employees because of the coronavirus pandemic and its economic fallout. The only two direct unilateral payroll-cost control measures available are:

- Placing employees on leave or reducing their hours and paying their 'shutdown allowance' (see above).
- If employees are quarantined, or their workplace is shut temporarily because of a confirmed or suspected case, the employer does not have to pay wages for the quarantine or shutdown period. There is a limited subsidy available to employers who do provide paid leave to these employees.

An employer does not have absolute discretion to instruct employees not to work, simply because it pays the shutdown allowance: it must have a justifiable reason for the order. However if the shutdown allowance is paid,

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the legal standard is much more permissive than that applied to dismissals or disciplinary action. Consulting with affected employees can be a helpful (though not necessary) factor in satisfying this test. Employees who return from abroad and must self-isolate under the new travel restrictions (see 6 below), likely can be treated as being on *unpaid* leave unless sent abroad by their employer.

### ***Restructuring***

Employers must submit an employment retention plan to apply for and receive the 'employment retention subsidy' described in 4 above, including a commitment not to downsize or hire while receiving the subsidy and for an additional month thereafter. Failure to adhere to the plan will jeopardise receipt of the subsidy. If unilateral layoffs are used for a workforce reduction, and the business is not closed entirely, 50 days' advance notice to, and consultation with, a representative of employees is required before layoffs can be effective. The employee representative is a majority union or, if there is none, a representative or representatives chosen by a majority of the employees. Notice and consultation is not sufficient: unilateral layoffs must be used as a last resort after exhausting other efforts, including voluntary exits for compensation, and meet other very strict requirements. A purely voluntary downsizing or complete closure of a business are not subject to these strict requirements. Some CBAs contain

provisions which require a longer notice and consultation period. The timing of a workforce reduction varies significantly depending on the method, degree of downsizing, existing labour relations situation (e.g. union representation and state of relations with that union), etc.

### **6 Travel**

The public health authorities in Korea recently mandated that all travelers entering Korea (including Korean citizens) must self-isolate for 14 days. From 1 April, all travellers entering Korea from anywhere in the world must self-isolate for two weeks. These restrictions can change on very short notice. Non-residents are likely to be subject to quarantine at a government facility rather than self-isolation. Travellers entering Korea may also be required to undergo coronavirus testing either at the airport, or after leaving the airport, depending on circumstances. Further information can be found in the KCDC's update, see 8 below.

### **7 Discrimination**

An employer generally cannot discriminate against an employee on the basis of the employee's nationality or religion simply because the nationality or religion has been associated with the coronavirus, for example in the media. If an employer offers flexible working arrangements only for full-time permanent employees, and not others,

this may also constitute illegal discrimination unless there is a reasonable objective justification.

### **8 Reporting to the authorities**

See 2 above on reporting requirements if a suspected coronavirus case is discovered in the workplace.

### **9 Emergency laws and the implications for businesses**

The government is providing tax relief and financial support targeted at small businesses. Especially for businesses based in Daegu/Gyeongsangbuk-do Province, income and corporate tax will be reduced by 60% (for small enterprises) and 30% (for medium-size enterprises) in the tax year containing 30 June 2020. Further measures are likely. The maximum sentence for violating a self-isolation order has been raised to one year's imprisonment or a KRW10 million fine. Police authorities have emphasised that they will strictly enforce these requirements. For non-Korean citizens, violating such orders can lead to deportation.

### **10 Other points**

The [KCDC's guidance](#) on entry restrictions for travellers and other helpful information can be found here (click document no. 225, 'The updates on COVID-19 in Korea as of 31 March'). [Back to top](#)



# Spain

Last updated:  
15/5/2020

## 1 Restrictions on daily life

The state of emergency was initially declared by the Spanish Government on 14 March 2020 and, based on current legal framework, the lockdown will be effective until 00:00 on 24 May 2020 (the Government's position, at this stage, is to extend the state of emergency throughout June 2020).

To date and generally, movement is permitted for limited activities, including acquiring food, medicines and basic necessities; visiting health facilities; commuting to and from work; visiting banks; walks for children and adults during specific time slots; individual physical sports during specific time slots; etc. Some corporate activities that were suspended when the state of emergency was declared have resumed, including retail trade under specific conditions, restaurants under specific conditions, etc.

The restrictions vary depending on the Autonomous Community where you live. At the end of May 2020, the Spanish Government approved a Plan establishing the main parameters to gradually eliminate the restrictions to attain a 'new normality'. The plan is in four phases, movement restrictions vary depending on each phase and, to date, only some Autonomous Communities of Spain begun phase 1.

## 2 Resuming activity

Different restrictions apply depending if the Autonomous Community where you live is in Phase 0 or 1. For example, some retail companies could resume their activity subject to specific requirements in Phase 0, while in Phase 1 all retail establishments and commercial premises and professional service activities whose activity was suspended could be reopened to the public, provided that they have an exhibition and sales area of 400sq m<sup>2</sup> (excluding those in shopping centres without direct and independent access from the outside) subject to meeting specific legal requirements and implementing measures to guarantee employees' and customers' health and safety. Different restrictions on transportation also apply for Phase 1.

## 3 Data privacy and the use of apps

In processing personal data in this health emergency situation all data protection principles in article 5 of the GDPR apply including legality, loyalty and transparency, purpose limitation (in this case, safeguarding individuals' vital/essential interests), accuracy, and particularly importantly, data minimisation. The data processed must be limited to exclusively that necessary for the intended purpose, without processing being extended to any other personal data not strictly necessary for that purpose, drawing a distinction

between convenience and necessity. The fundamental right to data protection continues to apply normally, without prejudice to the fact that the personal data protection regulations establish that in emergency situations, to protect the essential interests of public and individuals' health of, necessary health data may be processed to prevent the spread of the disease that has caused the health emergency.

Data protection regulations should not be used to hinder or limit the effectiveness of the measures adopted by the authorities, particularly health authorities in the fight against the pandemic. Data protection regulations allow the adoption of necessary measures to safeguard the vital interests of individuals, public interest in the health field, medical diagnoses, or compliance with legal obligations in the workplace, including processing health data without the need for the explicit consent of the affected party. The processing of data must observe the principles in the GDPR, see above.

You cannot oblige employees to install apps on their mobile phones to make temperature testing as a condition of access to work unless the relevant Prevention Service (through its technicians in Occupational Risk Prevention) determines the need for temperature testing. Unilateral employer imposition would only be valid if such temperature checks are absolutely necessary for or relevant to assessing the



effects of working conditions on employees' health; to verifying whether an employee's health may create risks for him/herself, other employees or any other person related to the organisation; or fulfilling a legal requirement. Specific requirements must be complied with.

## 4 Pay and leave

### ***Sickness and quarantine pay***

Infected employees will be deemed to have a temporary disability (sick leave), which qualifies as an occupational accident for public pension purposes. It will not be possible for these employees to stay at, or work from, home and, therefore, they should not receive remuneration from you. Where agreed upon either collectively or individually, however, you may pay them the employer's supplement to Social Security sick pay. Quarantined employees will be deemed to have a temporary disability. This will qualify as an occupational accident for public pension purposes.

### ***Temporary support pay***

Employees affected by suspension of employment contracts will be entitled to the corresponding unemployment benefit. For reduction of working time, unemployment benefit will be proportional to the reduced working time.

Under Government-approved measures, until 30 June 2020 no minimum social

security contribution period is required for employees to receive unemployment benefit. Until 30 June, unemployment benefit received because of employment suspension/working time reduction will not reduce the maximum unemployment benefit period accrued before suspension/reduction took effect.

Unemployment benefits are equal to 70% of each employee's average social security contribution base for the 180 days prior to suspension of contracts up to a monthly gross maximum of EUR 1,098.09 for employees without children, EUR 1,254.86 for employees with one child or EUR 1,411.83 for employees with two or more children (equal to 50% from day 181 and afterwards). Fixed-term employees whose contracts are terminated during the state of emergency will have access to unemployment benefit, provided their employment contracts had a term of at least two months.

For *force majeure* suspensions or working time reductions, specific exemptions on employer's social security contributions will apply until 30 June 2020. These will vary depending on the organisation's headcount and if the employer has restarted part of the corporate activity. To validly apply the support measures described, employers must commit to maintain employment for six months following the date of resumption of activity.

Gig economy workers can ask for cessation of activity benefit and exemption from social security contributions if they are directly affected by lockdown or can prove their income is 75% below average turnover during the six-month period immediately prior to lockdown. Cessation of activity benefit is 70% of the worker's average social security contribution base. In other circumstances, gig economy workers can ask for a six-month postponement social security contributions payment for April to July with a 0.5% postponement interest rate. Postponement interest may not apply in certain circumstances as yet undefined.

## 5 Reduction of activity and restructuring

### ***Reduction of activity***

Employers directly or indirectly affected by lockdown cannot unilaterally impose holiday on employees.

Substantial changes in working conditions, other than suspension of employment contracts or reduction of working time affecting a number of employees below the threshold for collective consultation can be implemented by agreement with employees. Otherwise, mandatory collective consultations apply.

Employers can implement suspension of employment contracts or working time reduction for two different sets of causes: *force majeure* or economic/production/technical/organisational grounds linked to coronavirus.

Labour Authority authorisation is needed for *force majeure* working time reduction. It allows employees to receive unemployment benefit from the date on which *force majeure* applied. The employer must provide the Labour Authority with evidence of the existence of *force majeure*. This is generally limited to cases directly impacted by the lockdown measures (usually when corporate activity has been suspended or cancelled by the Government as a result of the emergency status declaration)

For suspension of employment contracts or working time reduction for economic/technical/organisational/production reasons (allowing employees to receive the corresponding unemployment benefit), a maximum seven-day consultation period with employees' legal representatives is required and employers must inform the Labour Authority. Although employers must negotiate in good faith and reaching an agreement is advisable, an agreement is not mandatory to proceed. Irrespective of whether agreement is reached, the organisation's decision on the proposed measure must be communicated to the Labour Authority and workers' representatives within 15 days. Then individual communications must be sent

to all employees. The measure could be effective from the communication date to the Labour Authority or any later date specified. This procedure also requires employers to provide the Labour Authority and workers' representatives with evidence of the reasons invoked. If there are no elected workers' representatives, the most representative trade unions in the employer's sector will be invited to negotiations. If the trade unions refuse, collective consultations must be done with a group of up to three employees elected among the affected.

### **Restructuring**

Under coronavirus legislation, it is not possible to carry out dismissals based on *force majeure* or for objective (economic, technical, productive or organisational) reasons, directly or indirectly related to the coronavirus crisis until 30 June 2020. Instead companies must carry out a specific procedure for suspension of employment contracts and/or reduction of working hours (ERTE), which is temporary.

If an organisation wants to dismiss employees before 30 June, it will have to provide strong proof that the reasons for these dismissals are not temporary or linked to coronavirus, such as very serious misconduct committed by the employee in the event of a disciplinary dismissal, or structural (therefore not 'temporary'), economic and production-related reasons for a redundancy dismissal. Otherwise there will be a high

risk of the dismissals being declared unfair or null depending on the circumstances. Different legal consequences will arise if a dismissal is declared null or unfair.

On the other hand and also according to legislation currently in force for ERTes, suspension of employment contracts or working time reductions based on *force majeure* (usually when activity has been suspended or cancelled by the Government) imperatively requires a commitment from employers to maintain employment for a six-month period from the activity resumption date (once the state of emergency finishes) to validly apply for extraordinary benefits introduced by the Government to face coronavirus. This commitment also applies to suspension of employment contracts or working time reductions based on objective (economic, productive, technical, organisational) grounds to qualify for extraordinary benefits, unless the competent authorities resolved otherwise). Therefore although the legal dismissal prohibition described above only applies until 30 June, organisations affected by ERTes will still have to respect their commitment to maintain employment for a six-month period from the activity resumption date, or lose their extraordinary benefits with the associated legal consequences.

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## 6 Travel

An Order effective since 00:00 on 23 March 2020 establishes the categories of individuals who can be admitted to Spanish territory during this period (Order INT/270/2020 of 21 March).

## 7 Reporting to the authorities

If one or more employees in a workplace appear or are suspected to be infected, you must immediately call the telephone number provided for this purpose by the Public Health Service in each Autonomous Community. You must follow the instructions provided by the Health Authorities. The fact that a potential infection is notified to the Health Authorities by a worker, their colleagues or their relatives, does not exempt you from their obligation to inform the Health Authorities directly.

## 8 Emergency laws and implications for businesses

The Government has ruled remote working is preferable for two months following the end date of the emergency status (currently 00:00 on 24 May, but it is uncertain if the Government will extend it). If this is the first time remote working is used in a sector, company or job post, given the exceptional circumstances, voluntary self-assessment of employment risks conducted by the employee can be substituted for usual health and safety obligations.

Companies that have not implemented employment contract suspensions or working time reductions can ask for a six-month postponement of social security contributions for April to June with a 0.5% postponement interest rate (exemption from interest payment may be available in circumstances to be defined).

Employees affected by suspension of employment contracts and self-employed people who have temporarily closed their business are entitled to anticipated payment of part of the rights under their pension plans to compensate income losses.

Employees have been granted special rights to ask for changes to working time to take care of partners or family members (up to the second degree of kinship), if they have special coronavirus-related needs (e.g. closure of schools, infection of the partner or family member, etc). These include:

- Right to request working time or change in the way services are rendered, (such as flexible working time, changing work site, shift or function, telework, etc.). In the event of disagreement, employer and employee should use best efforts to reach an agreement.
- Right to ask for a working time reduction (with proportional salary reduction) up to 100% of working time on 24 hours' notice, for an employee who has to take care of

children up to 12 or any dependent parent. Employers cannot refuse this reduction, provided the proposed working time is within the organisation's ordinary working time. Employees cannot be dismissed without a valid cause while benefiting from working time reduction and for an additional 12 months.

- Right to temporarily change or waive any working time reduction or special working time scheme currently in place.

The term of fixed-term employment agreements affected by suspension of contracts will be suspended and resume after the suspension ends. This legal provision will be only in force until 30 June 2020. Administrative and judicial procedural terms have been suspended during the state of emergency for non-urgent procedures: only hearings for urgent procedures are being held. Special measures regarding mortgages and rents: economically vulnerable people are entitled to a mortgage payment holiday. Special guarantees on telecommunications and utilities: these cannot be cancelled during the state of emergency. To mitigate the effects of coronavirus the Government has approved an extraordinary amount for public guarantees to cover private loans for the self-employed and companies.

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# Sweden

Last updated:  
11/5/2020

## 1 Restrictions on daily life

The Public Health Agency of Sweden has recommended high schools and universities close and provide education online. Elementary schools are not closed. If there is a suspicion that a child is spreading the infection or if a child is infected, the employee can receive remuneration from the social security system ('VAB') for staying home. The employee does not have the right to receive salary or social security system payments if he or she stays home with a child because of being worried that the child could get infected in school.

You have the right to instruct employees to work from home if needed, regardless of whether the employee has any symptoms or not. Work from home is recommended, if possible.

If the employer has decided that they should work from home, the employee should comply with such policy. The employer is responsible for the organisation and for ensuring the work environment is safe and that no one becomes sick because of their work. If this cannot be guaranteed due to an outbreak, the organisation may have to close down a site or an office temporarily.

Sweden is not currently in lockdown, although various measures have been imposed which impact on certain businesses. For instance, public gatherings of more than 50 people are forbidden and persons are asked to keep

social distancing. Moreover, restaurants, bars, cafés, nightclubs and other businesses that serve food or beverages to their customers are required to take measures so that people do not queue up with a high risk of spreading Covid-19. If not necessary, when travelling in Stockholm, travellers are asked not to take public transport. For more detailed information, please see the [Public Health Agency's FAQ](#) in English.

## 2 Resuming activity

As stated above, Sweden has not closed the community and workplaces to the same extent as the rest of Europe. Many employers have instead chosen to close workplaces and directed employees to work from home. Employees' hours may also be reduced, see below regarding short-time work. There are therefore no recommendations on how or when closed businesses are to open.

However, to minimise the risk of infection spreading in Sweden when workplaces are open all employers should make a risk assessment according to the provisions issued by the Swedish Work Environment Authority relating to systematic work environment management and infection spreading. The employer should plan how a potential outbreak in the workplace would be handled, identify the particular work tasks that needs to be done continuously and make sure that all the employees that

carry out these tasks work under as safe conditions as possible.

To avoid the spread, employers should ensure that the employees, if possible:

- keep distance from one another;
- regularly wash their hands with soap and water or otherwise or use alcohol-based hand sanitiser,
- can work from home;
- avoid unnecessary travel at work; and
- can adjust working hours to avoid travelling during rush hour (public communication).

We recommend you provide employees with guidelines on how the risk of spreading can be reduced in the workplace but also when to work from home and other matters. The organisational and social work environment also needs to be addressed, meaning that employees' anxiety about the coronavirus should be assessed and measures taken. If you direct an employee to come back to the office, provided that she/he is not sick, the employee must come back to the office. Once someone has been confirmed sick, the employee shall stay at home at least seven days after become sick, and should also be free from symptoms for two days.

Given the incubation period of the coronavirus is two to 14 days before symptoms occur, you need to keep in mind that more employees can be affected due to the high risk of spreading and therefore encourage the employees to be vigilant about potential symptoms. Many people will not be tested, and if they feel sick they should stay at home until they are free of symptoms and for two days after that.

A general preventive measure against respiratory infection is to avoid touching your face and eyes and to avoid close contact with sick people. Wash hands often with soap and warm water. Cough and sneeze into the bend of your elbow or into a tissue to prevent infection from spreading around you, or from contaminating your hands. Face masks are not obligatory in the community. The best way to protect oneself and others in daily life and at work, according to the Swedish authorities, is to maintain social distancing and good hand hygiene.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

If there is a risk that other employees have been infected, the employee should tell the employer if she/he is confirmed sick. If the employee refuses to say if he or she is infected, you cannot force them to tell. You cannot force someone to be tested, although a doctor may eventually

do so (if the person refuses) through a court decision. If an employee refuses to tell or be tested, you can instead order him or her to stay at home and not come to work. When someone is home due to infection, this should not be communicated to their colleagues, unless necessary. The employee must be informed about any such communication beforehand. Any information regarding sickness or employee's health should not be processed, unless necessary.

#### ***Tracing apps***

Sweden has not yet introduced any legislation or recommendations regarding tracing apps. However, if these measures were implemented for businesses in Sweden, employers would first need employees' consent to register for and use the app. It is not recommended to process personal data on the basis of consent in an employment relationship. We therefore do not recommend using an app currently. If an employee does not consent to the app, the employee cannot be denied salary.

### **4 Pay and leave**

If an employee is fit and available for work, but the organisation has decided that the employee should stay at home and the employee cannot work from home, he or she is entitled to salary. If the employee can work from home, salary must be paid. If the employee chooses to work from home due to

anxiety about becoming infected, the employer is not obliged to pay salary as this can be seen as refusal to follow the employer's order.

If an employee is infected and therefore sick, the employee is not fit or available for work. If that occurs, normal sick leave and pay rights in Sweden apply. The first day of sickness, which is normally unpaid, will now be paid by the social security system. The social security system will also reimburse the employer for the sick pay that shall be paid by the employer from day two up to day 14 during April and until July. But also after that the government has assured to cover the extra costs for sick leave the employers may have.

The Swedish Social Insurance Office has decided that during an interim period, sick pay can be paid until day 21 in the majority of cases, even if a doctor's certificate is not available (compared to that the employee before had to submit one to its employer on day 8).

If an employee is held in quarantine, for instance due to the risk of infection spreading, he or she may be fit for work but not available. In this case the employer is not obliged to pay salary if nothing else is decided. Employees in this situation have a right to sickness benefits under the Social Insurance Code.



## 5 Reduction of activity and restructuring

### *Reduction of activity*

Employers can agree with employees to reduce working hours and salaries. The Swedish government has implemented new legislation for a short time work allowance. For more information please see [here](#). If these options are not enough, the employer may have to terminate employment due to redundancy.

### *Vacation*

Employees have the right to four consecutive weeks of vacation during June – August. This also means that the employers can require employees to take vacation during this period. According to the general rule in Sweden, employers should consult with employees if collective consultation has not taken place (i.e. if the employer has a collective bargaining agreement). If it is not possible to reach an agreement about allocating vacation, the employer may decide about it, including which weeks should be taken. This also follows from the aim with the Annual Leave Act, i.e. that the employer must ensure that employees take vacation.

### *Restructuring*

A restructuring process would invoke termination due to redundancy. Termination due to redundancy is for any reason not related to the individual

employee, i.e. business-related reasons for terminations such as economical dismissals.

Before an organisation takes any decision regarding significant changes in its activities (typically a restructuring), it must on its own initiative consult with the trade unions to which it is bound by a collective bargaining agreement, or if not bound by a collective bargaining agreement, with any trade union of which affected employees are members.

Consultations must cover two issues. Firstly, the organisation must consult regarding the restructuring, including the economic, financial and technical reasons for it, alternative measurements and consequences. Secondly, the organisation must consult about as to whom to dismiss and the so-called 'seniority lists'. After that, employees' contracts can be terminated.

There have yet not been any significant changes to the ordinary restructuring process in the context of the coronavirus.

## 6 Travel

The Ministry for Foreign Affairs has advised against all unnecessary travel abroad until 15 June. From 19 March until 15 May travel to Sweden is not permitted. This prohibition applies to all foreign citizens attempting to enter Sweden from all countries except those in the EEA and Switzerland. Exemptions are made for

people whose reason for travelling is to return to their homes, if they:

- are an EEA or Swiss citizen, or are a family member of such a citizen;
- have long-term resident status in Sweden or another EU Member State;
- have a temporary or permanent residence permit in Sweden or another EEA State or Switzerland; or
- have a national visa for Sweden.

In addition, the prohibition does not apply to people who have particularly urgent needs or who are to carry out essential functions in Sweden. This includes, among others, healthcare professionals, transport workers engaged in the haulage of goods and people travelling for imperative family reasons. The prohibition does not apply when travelling from Denmark, Finland or Norway.

## 7 Discrimination

The employer's responsibility for a safe work environment creates a right for an employer to require that employees report if they have visited an area where the virus is spreading or been in contact with persons that are infected. Employers must not ask any questions which may lead to future discrimination claims.

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## 8 Reporting to the authorities

There are no specific reporting responsibilities to any authorities. The employer should however make sure to collaborate with authorities in order to avoid the infection spreading. Make sure to cover how you deal with data privacy, as this involves sensitive health data, see 3 above.

## 9 Emergency laws and the implications for businesses

The Swedish government have introduced several new tax orders and changes. For example, the government has introduced a deferral for payments of employer's contributions, employer's preliminary taxes for companies and VAT. The government has implemented actions directed mainly towards small businesses, such as a government loan guarantee, temporary reduction of payment of employers' social security contributions and individual contributions for all businesses with up to 30 employees, temporary discounted rental costs in vulnerable sectors and temporary modifications of the rules for tax allocation.

More recently the government proposed support to businesses that have experienced a loss of revenue due to the current situation. Companies can receive support for the business's fixed costs. The level of support depends on how big the company's loss of revenue is. It can

vary between 22.5% to 75 % for fixed costs, excluding salary costs. To receive the support the revenue must have been at least SEK 250 000 the last fiscal year. During March and April, the loss of revenue must be at least 30% compared to the same period during the previous year. The proposal is intended to come into effect 1 July 2020. For further information consult the [government's website](#).

## 10 Other points

It is important to keep informed about new measures from the government and recommendations from the Swedish Public Health Agency, but also take the actions described above.

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# Switzerland

Last updated:  
7/5/2020

## 1 Restrictions on daily life

The Swiss government categorised the current situation as 'extraordinary' under the Swiss Epidemics Act, and adopted the following lockdown measures: Prohibition of all public and private events; ban on classroom (face-to-face) teaching at schools, universities and other training and education; closure of all shops, markets, restaurants, bars, entertainment and leisure facilities, such as museums, libraries, cinemas, concert halls and theatres, sports centres, swimming pools and ski areas; closure of businesses where the recommended distance cannot be maintained, such as hairdressers and cosmetics studios. These measures have been gradually eased starting 27 April 2020 (see point 2.).

Exempt from the ban are food stores and other shops selling articles for everyday use, takeaway establishments, staff canteens, meal delivery services and restaurants for hotel guests, pharmacies, drugstores and shops selling medical aids (e.g. eyeglasses and hearing aids), post offices, sales points for telecommunications providers, banks, petrol stations, railway stations and other public transport facilities, maintenance facilities for vehicles and other means of transport, public administration offices and healthcare facilities such as hospitals, clinics and medical practices.

Other workplaces where the recommended distance can be

maintained are not affected by the national lockdown. However, wherever possible, home office is recommended.

## 2 Resuming activity

Starting 27 April 2020, hospitals were allowed to resume all medical procedures (including non-urgent procedures), and outpatient medical practices, hairdressers, physiotherapy and massage practices and cosmetic studios were allowed to reopen. The same applies to DIY stores, garden centres and florists.

The next phase of steps to ease restrictions took effect on 11 May 2020 and affects primary and lower secondary schools, shops, markets, travel agencies, museums, libraries, certain sports facilities and restaurants. In order to reopen or resume activities, a set of precautionary measures must be in place, in particular social distancing and other health and safety measures.

The following continues to apply for all employers:

You must provide and maintain a safe and healthy work environment. Therefore, you must stay informed on the ongoing spread of the virus and take the appropriate health and safety measures. These measures include monitoring and complying with the guidelines and rules published by the authorities, namely the Federal Office of Public Health ('FOPH').

The following FOPH guidelines still apply:

- Keep your distance, for example: protect elderly people by keeping an adequate distance from them; keep your distance when queuing or waiting in line; keep your distance at meetings.
- Wash your hands thoroughly.
- Avoid shaking hands.
- Cough and sneeze into a tissue or the crook of your arm.
- If you have a high temperature and a cough, stay at home.
- Always call ahead before going to the doctor's or the emergency department.

Special measures must be adopted for employees at particularly high risk (employees over the age of 65 or with an underlying medical condition).

The FOPH has recommended that companies prepare a pandemic plan with the aim of both ensuring that essential business processes can be maintained, and minimising the risk of infection in the workplace. For this purpose, the FOPH has published a manual for operation preparation for small and medium-sized companies, and advises to them activate their Business Continuity Management (BCM) system.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Employers must do their best to control the spread of the virus. Therefore, given the extraordinary circumstances, employers have a legitimate interest in asking their employees questions about their health status and requesting that they submit to thermal scanners and/or have their temperature checked as a precondition to entering the employer's facilities.

Employees must inform you if they got infected by the virus based on their duty of loyalty. This includes providing information about close relatives or other contacts who have been infected. An employee would be in breach of his or her contract and risk severe consequences if he or she did not inform you of the infection. You cannot force an employee to get tested for coronavirus.

#### *Tracing apps*

The use of tracing apps is currently being debated. According to the current state of discussion, the use of tracing apps is unlikely to be imposed by law, but would remain voluntary.

### 4 Pay and leave

#### *Sickness and quarantine pay*

If an employee is prevented from working for a personal reason for no fault of his or her own, you must continue to pay his or her salary for a limited period of time based on Article 324a of the Swiss Code of Obligations. Thus, if an employee is infected with the coronavirus and therefore unfit for work, he or she is entitled to receive salary according to the rules set out above.

Likewise, if an employee cannot come to work due to the infection of his or her child, you are also obliged to pay his or her salary during the absence, normally for up to three days.

However, if the employee's child is not infected but the childcare facilities and/or the schools are closed, it is unclear whether you must continue to pay salary. In order to protect individuals from loss of earnings due to family care obligations, the Swiss government has now introduced a new form of statutory compensation for both employees and self-employed individuals.

If you decide to close down the workplace without being obliged to do so, you will have to continue salary payment.

If you are obliged to close down the workplace due to national lockdown rules, we are of the view that you are no longer obliged to continue salary payments.

#### *Temporary pay support*

If you are obliged to close the workplace due to national lockdown or if work is reduced due to the economic impact of the Covid-19 crisis, you may apply for short-time working compensation from the competent authorities. You will need the employees' consent to apply for this compensation. Statutory benefits cover 80% of the salary corresponding to the lost working hours. Salaries are insured up to a maximum of CHF 148,200 annually.

The Swiss government has also made substantial funds available to finance bridging loans.

### 5 Reduction of activity and restructuring

#### *Reduction of activity*

Under the current circumstances, homeworking is recommended wherever possible. Homeworking may be specifically requested if an employee is quarantined by a doctor, but is still fit to work, and for employees at particularly high risk.

If social distancing cannot be maintained in the workplace, you may be required to close down the workplace (see Lockdown measures, above).

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If you are obliged to close the workplace due to national lockdown or if work is reduced due to the economic impact of the Covid-19 crisis, you may apply for short-time working compensation from the competent authorities. In our view, you may also invoke force majeure and refuse further salary payments. Further possible measures could include dismissals, agreements with employees on salary reduction or salary deferrals.

### **Restructuring**

Employers can restructure: There are no restrictions on restructuring in coronavirus-related national programmes in Switzerland. In the event of major restructurings affecting a significant number of employees, special attention must be paid to collective dismissal rules (information and consultation requirements) and the possible obligation to negotiate a social plan.

## **6 Travel**

The Swiss Federal Council has decided to extend entry bans and border controls. Only Swiss citizens and individuals with a valid residence permit or work permit in Switzerland are allowed to enter Switzerland from abroad. Transit and movement of goods with a certificate are still permitted. In addition, the Swiss Federal Council has decided that no Schengen visas and national visas will be issued for any third countries until 15 June 2020.

You should offer your employees the opportunity not to use public transport at peak times if at all possible (e.g., temporary adjustment of the working time). Furthermore, business trips should be avoided for the time being. Employees might refuse business trips that are unreasonably unsafe.

No restrictions can be imposed on employees for private travels. However, based on the current FOPH recommendations, everyone is encouraged to stay at home.

## **7 Discrimination**

Based on the employer's duty to safeguard the employee's personality, employees must be protected against any form of discrimination. Thus, any measure should apply equally to all employees regardless of their nationality, gender or ethnicity.

## **8 Reporting to the authorities**

As of now, you are not required to report any infection to the authorities or inform or visit your doctor.

## **9 Emergency laws and the implications for businesses**

In addition to the financial support measures described above, the Swiss government has made funds available for

emergency aid for various business sectors.

Given the enormous pressure currently on hospitals and clinics and the resulting workload, Swiss government has weakened the statutory restrictions on working hours and rest hours for employees in the health sector.

## **10 Other points**

The FOPH and the State Secretariat for Economic Affairs ('SECO') regularly publish information and updates about the current situation in Switzerland and a number of guidelines and rules are available on their respective websites (some of the published information is available in English). You should therefore regularly check the information provided [here](#) and [here](#).

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# Thailand

Last updated:  
11/5/2020

## 1 Restrictions on daily life

The government has issued an order to temporarily close a total of 34 types of venues, including crowded venues such as shopping malls, schools, universities, pubs, bars, theatres and sports stadiums in Bangkok and surrounding areas, until 31 May 2020. For other provinces within Thailand, the local administration of each province has the power to issue orders or take tougher measures to prevent the spread of the coronavirus, and similar orders have been issued in many provinces. Thailand has postponed its traditional New Year holidays in April indefinitely. There has recently been a relaxation of certain measures, see 2 below.

For businesses that are not compelled to cease operations temporarily, employers are encouraged to permit their employees to work from home.

## 2 Resuming activity

Under the Emergency Decree, certain categories of businesses and activities have been allowed to reopen from 3 May 2020 (with certain conditions). These include:

- Certain parts of shopping malls, department stores and community malls (such as drug stores or miscellaneous stores for necessary items, retail shops for telecommunications business,

banks, state agencies and enterprise offices and restaurants, for delivery and takeaways only).

- Beauty salons and barber shops (to be opened only for hair washing, cutting, thinning, dressing (customers are not permitted to wait inside shops).
- Outdoor sports facilities.
- Public parks for outdoor areas only.
- Restaurants, beverage shops, retail/wholesale shops, markets, floating markets, flea market, street stalls.
- Pet grooming shops.
- Sales of alcoholic drinks for takeaway only.

Owners of these businesses that will reopen must follow standard health precautionary measures such as maintaining space between people, temperature checks for all customers, seeing people by appointment, encouraging both customers and staff to wear face masks at all times, limiting both the number of customers and the time spent using the services.

If an employer will reopen its business and requires employees to come back to work, the employees must comply with the order of the employer. A failure to

comply with the employer's order may lead to disciplinary action.

The Department of Disease Control at the Ministry of Public Health has issued guidance for employers on responding to the coronavirus outbreak.

This includes the following: making notice boards/posters of information on limiting disease transmission, conducting risk surveys about coronavirus among staff, conducting temperature checks every day before starting work, and keeping the workplace clean by means of proper disinfection measures.

If it is found that an employee has travel history to places found to have confirmed cases of coronavirus during the dates and times as announced, the employee should self-quarantine for 14 days and the health screening staff of the Department of Disease Control will monitor the employee during this period.

Separately, if an employee who comes to work has a fever (37.5°C) accompanied by at least one of the following respiratory symptoms: a cough, runny nose, sneezing or sore throat, you should grant the employee leave and allow them to go back home immediately to minimise the chances of spreading the disease in the workplace. If the employee is not better within two days or if their condition worsens, you should encourage the employee to seek medical care at a hospital immediately.

### 3 Data privacy and the use of apps

On the assumption that the tracing application requires the input of employees' health information, this information would be considered 'sensitive personal data' under the Thai Personal Data Protection Law. As such, the employer would be required to obtain consent from the employees prior to collecting and processing such sensitive personal data.

From a Thai law perspective, an employer is entitled to issue an order to its employees in relation to the work required to be done, the workplace or any measure to protect the employer's business or workplace for health and safety purposes. In other words, the employer would be entitled to order the employees to install the tracing application. The employer would also be entitled to know when an employee receives a notification.

Where an employee refuses to install the application, this would be deemed to be non-compliance with the employer's lawful order and the employer would be required to follow the steps in the disciplinary procedures set out in its work rules. In doing so and before taking action, the employer would be required to:

- ensure that the employer has the right to suspend employment and

stop paying salary under its work rules; and

- consider the severity of the employee's non-compliance (i.e., whether or not the non-compliance with the order is serious enough to order suspension or whether a written or verbal warning would be more appropriate in the first instance).

Otherwise, as a disease prevention measure, the employer would be entitled to order the employee to work from home and in such a case, the employer would be required to make salary payments as normal. If the application alerts the employer that an employee is required to self-quarantine, the employee would still be entitled to receive salary.

### 4 Pay and leave

An employee is entitled to take sick leave for as long as s/he is actually sick and the employee is entitled to wages throughout the leave period, not exceeding 30 working days per year. If an employee is unable to work due to being hospitalised or quarantined, the employee will use this leave as sick leave. As at 8 May 2020, there are no specific measures issued by the government to support employees during the quarantine period.

### 5 Reduction of activity and restructuring

#### ***Reduction of activity***

*Where the employer intends to temporarily cease operations wholly or partly out of necessity*

Under the Labour Protection Act 1998, an employer is permitted to cease its operations temporarily and pay employees at least 75% of wages in the event of a necessity which is not a *force majeure* event. However, the necessity must be sufficiently serious such that it affects the operation of the employer's business to the extent that it is unable to operate as usual. In the current situation, some employers that are not compelled to close their establishments temporarily but are significantly affected by the situation, may exercise this right in order to reduce their employees' wages. In those cases, the employer must give notice to both their employees and the labour inspector not less than three working days prior to the date on which the business operation will cease. As each business is different, the level of necessity must be considered on a case-by-case basis.

*Where the employer is forced to temporarily cease operations wholly or partly because of the government's order*

The government has released a notification closing down certain types of businesses temporarily as a preventive

measure. This may be considered as an unavoidable *force majeure* event and if so, the employer has no duty to pay wages (i.e. no work, no pay).

#### *Forced annual leave*

For annual leave, you may determine the date(s) on which your employees are required to take annual leave (as the law provides that employers can specify the annual leave dates for employees) or annual leave can be mutually agreed between you and your employees.

#### *Leave without pay*

You and your employees may mutually agree on leave without pay. If you would prefer employees to take leave without pay due to the impact of the pandemic, you must request the consent of employees to do so.

#### *Reduction in salary and working hours or suspending employment contracts*

Generally, any change made to the terms and conditions of employment requires the employee's consent, unless the changes are more favourable to the employee. If the employer wishes to reduce employees' salaries or suspend employment contracts, this would be considered as the employer wishing to change the terms and conditions of employment in a manner that is less favourable to the employees. To do so, the employer would need to obtain consent from the employees prior to

reducing their salaries or suspending their employment contracts.

#### **Restructuring**

Under Thai law, an employer is entitled to terminate employment at its discretion. The procedure for the selection of employees whose employment will be terminated must be made fairly (e.g. using certain definite criteria or using the same criteria among employees whose employment would be terminated, such as years of service, annual evaluation grading or skill and experience). The reasons for termination of employment should be clearly set out in the termination letter in order to minimise any subsequent argument from the employee that termination was unfair.

Although employers may be severely affected by the coronavirus crisis, a termination of employment as a result of the effects of the pandemic does not exempt the employer from the requirement to pay statutory severance pay upon termination of employment. In addition, even if the employer terminates employment and pays the employee the required statutory severance pay, the employee could still file a claim in the labour court for damages for unfair termination. The general rule is that the court would consider each case on its own merits. It is not yet known whether termination of employment as a result of the crisis (for example, where the employer is suffering losses and terminates employment in order to avoid

its business from closing down) would be deemed by the labour court to be unfair.

## **6 Travel**

Incoming flights and other means of transport (with certain exceptions) are banned until 31 May 2020. Outgoing travel is not recommended. Employees should refrain from or delay non-essential cross-provincial travels. If an employee needs to make cross-provincial travel, he/she is required to obtain permission from the relevant provincial governors, undergo screening and comply with official disease prevention measures.

## **7 Discrimination**

Generally, an employer is required to treat male and female employees equally in employment unless the description or nature of work prevents such treatment. As such, when you will launch any policies during the coronavirus outbreak, you must implement them equitably, fairly and without discrimination.

## **8 Reporting to the authorities**

When one of your employees is confirmed as having the coronavirus, you must notify the relevant Public Health Office.

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## 9 Emergency laws and the implications for businesses

### *Emergency Decree*

On 25 March 2020, the Thai government announced an Emergency Decree to control the spread of the coronavirus in Thailand. Under this Decree, a coronavirus emergency centre has been set up to keep the public informed on a daily basis. There will be a transfer of power from Ministers to the Prime Minister. In addition, travel restrictions may be imposed. The Emergency Decree is effective from 26 March to 31 May 2020 and an extension may be announced if deemed appropriate by the government. The Bangkok governor and provincial governors have to right to announce surveillance prevention and control measures for travellers coming from other provinces.

### *Tax*

The withholding tax rate imposed on payments for the hiring of work, services, professional fees and commission has been reduced from 3% to 1.5% from 1 April to 30 September 2020 and reduced to 2% from 1 October to 31 December 2020.

SME employers will be entitled to deduct three times the eligible wages paid to employees in respect of April to July 2020 for corporate income tax purposes, subject to certain conditions Moreover,

SME employers who participate in the government's low-interest credit measures will be entitled to deduct 1.5 times the interest paid from 1 April to 31 December 2020 for corporate income tax purposes, again, subject to conditions.

The filing deadline for personal income tax returns has been extended from 31 March to 31 August 2020.

VAT registrants (limited companies and public limited companies) will be entitled to obtain faster VAT refunds.

The social security contribution rate (for both employers and employees) has been reduced from 5% to 4% for March to August 2020.

## 10 Other points

- [Thai Ministry of Public Health](#)  
(available in English and Thai).
- [Civil Aviation Authority of Thailand](#)  
(available in English and Thai).

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# Turkey

Last updated:  
12/5/2020

## 1 Restrictions on daily life

Currently in Turkey the hairdressers, hairstylists and beauty centres are suspended temporarily, schools are closed and remote learning is in place until further notice by the Ministry of National Education.

Some current precautions taken by the Turkish government are:

- Groceries will serve between 09:00 and 21:00 and the maximum number of customers at one grocery store will be equal to one tenth of the total service area (excluding storages, offices etc.).
- All public service vehicles operating in or outside of the city will carry passengers at only half of their capacity.
- People above the age of 65 and people born on or after 1 January 2000 and individuals with chronic diseases cannot go out.
- Entering and exiting 15 cities (by public transportation, private vehicles, foot, etc.) is banned until 19 May 2020 and only permitted with written permission from the governorship.
- The prohibition on going out extends to the whole country on weekends and national holidays.

## 2 Resuming activity

Turkey has started to implement measures to resume normal life. The plan below is being implemented by Turkish government:

- From 10 May individuals over 65 are allowed to go out. This is extended to those under 14 from 13 May and those between 15 and 20 from 15 May. They can go out between 11.00 and 15.00, provided social distance is maintained.
- Businesses such as hairdressers, hairstylists, beauty centres were allowed to start activity on 11 May, provided the relevant precautions were taken (including cleaning, requiring bookings and reducing capacity).
- Shopping centres can open (from 11 May) subject to conditions.
- Other retail business can reopen (from 11 May), if the relevant precautions are taken.
- Entry to and exit from 16 of the cities previously subject to a ban is permitted from 12 May.
- Masks will be sold at easily accessible locations.

Employers must also continue to implement the following measures until the threat of coronavirus is eliminated.

You must inform employees about the health and safety rules they must follow to avoid coronavirus, such as washing hands frequently with soap for at least 30 seconds, avoiding crowds, social distancing, wearing masks if they become sick, avoiding touching their face without washing hands, using hand sanitisers at the office and not sharing towels or glasses with those who have fallen sick.

If a person becomes sick with a high fever, sore throat and cough, he or she must be advised to stay at home and call the number provided by the government for directions. Other employees in the workplace should be followed up closely and warned to be careful. If an employee is diagnosed with coronavirus, others who have been in contact with them, including colleagues, must be quarantined to avoid spreading the disease.

It is important to keep employees informed and handle any cases of coronavirus calmly and in a way that does not lead to panic and disorder at the office. You should set up systems to enable employees to work remotely if the virus spreads. It is justifiable for employers to ask employees whether they are infected and/or whether they have recently travelled to a high-risk area, and this should be done as a way of protecting the employees. However, the



employers cannot guarantee that people will always tell the truth and they may also refuse to tell the employers.

At the moment there is no way for employers to require an employee to be tested for the virus. The government advises people to check their health regularly and immediately go to hospital if they have symptoms. It has also issued advice about handwashing and sanitation and to avoid hugging, kissing and hand shaking.

In addition, if employees encounter a serious and imminent danger in the workplace, they can notify the employer and necessary measures to counter it are implemented. The employer determines whether there is a danger and notifies employees. Employees can refrain from working on site until the appropriate measures are taken. If the serious and close danger is unavoidable, employees are entitled to leave immediately and to go to a safe location. Employees' rights are not prejudiced under these circumstances.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Employers must protect employees' personal data. As data controllers, employers must comply with all their legal obligations. Firstly, employers cannot process personal data without the

express consent of the employees. Processing of personal data must be limited to the purpose of processing and unnecessary data must not be collected. Personal data must be stored only for the period necessary for the purpose of processing or for the period set out by law.

Employers must also inform employees of the identity of the data controller and its representative, if any, the purposes for which the personal data will be processed, to whom and for which purposes the processed personal data will be transferred, the method and legal reason for collection and the rights of the data subject. Personal data must be deleted, destroyed or anonymised when there is no longer any lawful reason for employers to retain or process it. Under Turkish law, personal data must not be transferred abroad without the express consent of the employee, unless one of the exceptions apply, for example, where the personal data has been made public by the employee concerned. Further restrictions also apply to transfers of personal data abroad.

#### *Tracing apps*

We are of the opinion that employees cannot be forced to install tracing apps. Additionally, if an app is installed by employees, we are of the opinion that the matters such as the time of receiving a notification by the employee or whether the employee is in quarantine etc. must

not be tracked, as this may constitute breach of personal data protection rules.

### 4 Pay and leave

*Requesting employees use unused paid leave* : In the current situation, we believe employers can request employees take paid leave days.

*Requesting employees take unpaid leave*: As a general rule, implementing unpaid leave is considered a material change in the employee's employment conditions; therefore, the employees' written consent to it must be obtained. Therefore, unilateral implementation of unpaid leave by the employer will be considered as unilateral termination of the employment agreement.

However, recent amendments to labour legislation allow employers to place their employees on unpaid leave for a maximum of three months (i.e. until 17 July 2020). In this case, employees will receive a daily cash payment (for each day of unpaid leave) of TRY 39.24 from the Turkish Employment Agency. This period may be extended for three months by the President of Turkey.

*Collective leave*: Employers may implement collective leave in the workplace, covering all or part of the workforce from the beginning of April until the end of October. Employees who are not entitled to leave as of the date of the collective leave may also be included in

this. Note employees' consent may also be required in some cases.

### ***Sickness and quarantine pay***

Sick leave and pay is regulated under labour law and there are no special provisions for the coronavirus. If employees are not on a fixed monthly salary, the employer's obligation to pay salary will only last for the first two days of the illness. After the second day, the Social Security Institution will take over and make a temporary incapacity payment to the employee based on his or her salary until the employee comes back to work, provided the employee is eligible.

During a workplace quarantine, employees are entitled to half pay for up to one week within the period when the *force majeure* event is taking place. After that, they have no entitlement to be paid.

## **5 Reduction of activity and restructuring**

### ***Reduction of activity***

In addition to putting employees on unpaid leave (see 4 above) the following options are available to employers.

*Part-time Employment:* During the risk period for the coronavirus, employers can implement part-time employment with employees' prior written consent, or by agreeing this with employees mutually

and signing additional protocols to record it. In part-time employment, each employee's working period must be two thirds of the normal working period.

*Remote Working:* To protect the health of the employees and the public, many employers have started to adopt remote working.

*Short-time working:* Short-time working has been enabled in Turkey to provide temporary income support to employees employed in the workplaces where activities have been suspended and to decrease costs to the employers during the coronavirus epidemic.

Short-time working can be applied if the weekly working periods are decreased significantly activities have ceased partly or completely due to general economic, sector-specific, regional crisis and *force majeure* events.

An employer that wants to implement short-time working must first inform the Turkish Employment Agency ('Agency') (and any union at the workplace that is party to the collective agreement) in writing. If the Agency approves the request, short-time working may be applied at the workplace by employers. In general, a review is conducted at the workplace by labour inspectors following such a request. However, given the current circumstances, the Agency has stated that a request for short-time working may be made by sending the Short-Time Working Request Form and a

list with information on employees to whom short-time working will apply to the email addresses provided by the Agency, along with evidence.

Normally the Agency conducts a review to decide whether the applicant is entitled to short-time working allowance, but under the new amendment, it will now approve applications without review (to avoid delays). It will now review after giving approval.

If an employer's short-time working request is approved by the Agency, the employer must announce it at a location visible to employees at the workplace (or notify them if it is not possible) and inform any union that party to the collective agreement, if any.

To be entitled to short-time working employees must be entitled to unemployment allowance as per the working periods and premium payment days in respect of unemployment insurance at the time of commencement of short-time working.

The daily short-time working allowance is 60% of the employee's daily average gross income. It is paid by the Agency during the period of short-time working for a maximum of three months.

### ***Restructuring***

Following a recent update to Turkish labour legislation, employers are currently prohibited from terminating employees,

except for just cause for acts contrary to goodwill and unethical acts for three months from 17 April 2020. Instead they should use the unpaid leave provisions detailed in 4 above. If an employer breaches the prohibition, it will be subject to an administrative fine of one monthly gross minimum wage for each employee terminated during this period.

Additionally, the risk to the employer of a potential legal challenge will be higher as it has breached a legal prohibition. This prohibition may be extended for three months by the President of Turkey.

## 6 Travel

Turkey has suspended the vast majority of international commercial flights into Turkey with Turkish Airlines banning all international flights extended through 20 May. Please check with an air carrier directly for up-to-date information. Turkish airlines has also banned all domestic flights through 20 April.

Since 23 March, Turkey has suspended flights and barred admission to travellers who have recently transited through or visited the following 68 countries in the last 14 days: Algeria, Angola, Austria, Azerbaijan, Bangladesh, Belgium, Cameroon, Canada, Chad, Colombia, Cote d'Ivoire, Czech Republic, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Finland, France, Georgia, Germany, Guatemala, Hungary, India, Iran, Iraq,

Ireland, Italy, Jordan, Kazakhstan, Kenya, Kosovo, Kuwait, Latvia, Lebanon, Mainland China, Mauritania, Moldova, Mongolia, Montenegro, Morocco, Nepal, Netherlands, Niger, North Macedonia, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Saudi Arabia, Slovenia, South Korea, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Taiwan, Tunisia, Ukraine, United Arab Emirates, United Kingdom and Uzbekistan.

There are **exceptions** for Turkish nationals and work and residence permit holders.

Turkish Airlines has banned all domestic flights through 20 April. Those who wish to travel domestically despite this must obtain permission from the Turkish 'Travel Permit Council'. Since 18 March, Turkey has closed its land and sea borders with Greece and Bulgaria. Greek and Bulgarian nationals, and those in Greece or Bulgaria within the last 14 days, are also barred from entry to Turkey. From 14 March, the land border with Georgia is also reported closed. The land borders with Iraq and Iran are currently closed. There is an exemption for Turkish nationals and those with work or residence permits, who are quarantined rather than barred.

## 7 Discrimination

If an employee who has coronavirus is not allowed to work or enter the

workplace, this is unlikely to be considered discrimination, since employers are also obliged to protect the health and safety of other employees.

## 8 Reporting to the authorities

Health data cannot be processed without the explicit consent of the data subject (see 3 above), but there are exceptions if processing is necessary for the protection of public health. Therefore, we believe employers should immediately tell the authorities if there are coronavirus patients in the workplace.

## 9 Emergency laws and the implications for businesses

Litigation proceeding are suspended temporarily (except for certain processes) until 15 June 2020.

A number of economic support measures have been introduced. They are set out in detail [here](#).

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# Ukraine

Last updated:  
7/5/2020

## 1 Restrictions on daily

From 12 March 2020 to 22 May 2020 all schools, universities and other educational institutions will be closed for quarantine. Depending on the spread of coronavirus this term may be extended.

The Parliament has adopted a special law with measures to combat the spreading of coronavirus. Among them is recommendation that employers request their employees to work from home. The employer remains liable for work safety even where the work is performed from the employee's home or other places.

From 17 March 2020, it is prohibited to hold mass events with more than ten people.

The nation's borders are closed until 22 May 2020 and this closure is likely to be extended further. The air connection is shut down, apart from planes commissioned by the government to evacuate Ukrainians who are stuck abroad. All airports except Kyiv Boryspil Airport (KBP) are closed.

The government announced the quarantine and state of nationwide emergency will last until 22 May 2020. Businesses and public transport will operate as follows:

- All intercity travel by rail or bus is cancelled.

- The underground is stopped in Kyiv, Dnipro and Kharkiv.
- Buses and trams will work with limited capacity and are only allowed to carry workers from critical enterprises with no more than ten people at once.
- Restaurants, cafes, shopping malls and fitness centres are closed, but businesses are allowed to provide deliveries if staff use protective equipment (masks and gloves). Summer terraces of restaurants and cafes have been announced to be open from 12 May 2020.
- Shops, pharmacies, gas stations and banks may continue to operate with additional safety measures in place.
- Other businesses can continue to work online or offline.

## 2 Resuming activity

The Prime Minister of Ukraine has announced the plan for easing quarantine. Precisely, the lockdown measures will start to ease from 12 May 2020. Depending on the number of cases of infection, the government will be easing the lockdown measures further. The overall plan for ending quarantine includes five steps of removing restrictions for the following business activities:

**Step 1:** Hairdressing and beauty salons, summer terraces of cafes and restaurants, sale of non-food items, bicycle rental and activity of lawyers, dentists and psychologists.

**Step 2:** Restaurants (take away only), open-air cinemas, gyms (with restrictions), hotels, sport events with no more than 50 participants (without spectators).

**Step 3:** Shopping centres (without entertainment zones), cinemas, theatres, recreation centres, eateries (with visitors).

**Step 4:** Entertainment centres, gyms, swimming pools, cultural institutions.

**Step 5:** Other restrictions.

Organisations must conduct their business in line with sanitary rules adopted by the government of Ukraine. In particular, companies allowed to do business from 12 May 2020 must comply with the following rules:

- social distancing: 1 customer/employee per 10 m<sup>2</sup> in cafés, shops, restaurants, etc;
- sanitary treatment (cleaning) of premises (twice a day).

Employees are entitled to refuse to perform their working duties if this is due to the risk to their health and life. Apart from this, employees may take an unlimited number of unpaid leave days within the quarantine period.

Ukrainian law does not oblige employers to test employees' health. However, the municipal governments and State Labour Service of Ukraine recommend employers monitor employees' temperature and send employees home if they seem to be sick. However, employers are not entitled to require employees on disclosure of health-related information.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

Employers must obtain consent of the trade union or works council or elected employee representative as appropriate) to use health surveillance methods or tools in the workplace. In addition to this, employers must also provide employees with full information on the tools they are using and obtain each employee's consent before using them.

#### ***Tracing apps***

Employers cannot compel employees to install tracing apps and employees may refuse to install them. An employer is only entitled to be informed when an

employee receives a notification if this notification is related to performing work duties. An employer can only restrict access to the workplace if an employee has visible signs of illness.

The Government has introduced a tracing app "Diia" to track the movement of people with Covid-19 symptoms and those on mandatory observation or isolation. The app can only be used with consent. If a person does not consent to use it, then the observation or isolation conditions will be checked by police visits.

### **4 Pay and leave**

#### ***Sickness and quarantine pay***

Employees who are sick and have a doctor's certificate to prove it are entitled to sick leave and sick pay. The amount of sick pay will depend on their record of employment, at a rate varying from 50% to 100% of pay. The first five days of sick leave are paid by the employer. Starting on the sixth day, the Social Security Fund will pay the employer, who will pay the employee.

The employees who have been in contact with coronavirus infected people and who have been instructed by doctors to stay in self-isolation under medical supervision are entitled to sick leave with 50% of their average salary paid by the Social Security Fund.

#### ***Temporary pay support***

The Government has introduced temporary state support for SME employees. If the SME shuts down its activities (through layoff or otherwise), the state will provide a temporary support for pay up to two thirds of each employee's salary, but no more than one minimum salary per employee (UAH 4,723). The support will be provided until the end of quarantine and for 30 days afterwards. The SMEs who have benefited from this support, will not be allowed to terminate employees within six months after the quarantine ends. Otherwise, they will have to return the total amount of support received.

### **5 Reduction of activity and restructuring**

#### ***Reduction of activity***

The following measures are available to employers to manage the reduction of activity:

- requesting employees to work from home;
- temporary lay-off with 2/3 of salary to be paid;
- paid or unpaid leave, if the employee requests it;
- reduction of staff with 2 months' notice.
- part-time work.



Ukrainian employers cannot suspend employment contracts or invoke force majeure to reduce business activity.

The employer and employee may agree to introduce a part-time working regime. The employer may also initiate a part-time regime unilaterally by notifying employees of the working regime change two months in advance. During part-time remuneration the employee is paid pro rata his or her normal salary.

### ***Restructuring***

Employers may announce temporary layoff for all or some of their employees. The employees do not work during downtime but must be paid two thirds of their average salary by the employer.

Employers can invoke restructuring with economical dismissals to follow. The applicable law requires two months' notice and severance payment of one month's average salary. The notice period cannot be replaced with a payment in lieu.

No changes have been adopted with regard to downsizing or restructuring due to the coronavirus crisis.

## **6 Travel**

From 14 March 2020, the Ministry of Foreign Affairs strongly recommends Ukrainian citizens to refrain from any non-essential travel outside Ukraine.

From 16 March 2020, foreign nationals are banned from entering Ukraine. Only those who have Ukrainian residence permits (temporary or permanent) will be allowed to enter.

Starting from 17 March 2020, the government has imposed a ban on rail, air and intercity buses until further notice. In cities it is prohibited to carry more than ten passengers simultaneously by public transport (buses, trams). The underground has been suspended in all cities where it operates (i.e. Kyiv, Kharkiv and Dnipro).

## **7 Discrimination**

You must take care to avoid any discrimination based on nationality in relation to those who may be suspected of carrying the coronavirus. For example, if you were to introduce a blanket policy of limiting contact with Chinese employees, that would likely be discriminatory.

## **8 Reporting to the authorities**

You are under no obligation to report to the authorities. If an employee falls sick and goes to the doctor, the doctor should inform the authorities.

## **9 Emergency laws and the implications for businesses**

On 24 March 2020 the government has announced the state of nation-wide emergency. It is not yet a martial law which has been also discussed but was not approved yet. Unlike the martial law, nation-wide emergency does not prescribe limitations of rights and freedoms, but is aimed to improve coordination between state authorities.

The Parliament has earlier approved social security holidays for private entrepreneurs (independent contractors). They will be allowed not to pay the social security contributions in March and April 2020. Apart from that, all businesses will enjoy the tax payment holidays in respect of the land tax.

The Ukrainian Parliament has adopted a Law introducing a no penalty regime for payers of social security contributions for committing the following breaches:

- late payment (late transfer) of social security contributions;
- incomplete payment or late payment of social security contributions at the same time as paying out amounts subject to social security contributions (advance payments);
- late reporting of social security contributions to the tax authorities.

No penalties are imposed temporarily for the violations described above committed during the period from 1 March to 31 March and from 1 April to 30 April 2020. Within these periods no fines accrue and those accrued for these periods will be written off.

Apart from this, there exists a moratorium on conducting tax inspections related to verifying payment of the social security contributions from 18 March to 18 May 2020.

The Ukrainian Parliament has adopted a law which extends all procedural limitation periods for civil, commercial and administrative courts. Apart from this, participants in legal actions are entitled to participate in court hearings online (away from court premises).

The government has also announced temporary benefits for pensioners (i.e. an additional payment of UAH 1,000 to their state pensions).

### 10 Other points

The 'coronavirus law' allows employees to take an unlimited number of unpaid leave days. Before this, the ceiling for unpaid leave was 15 days per year.

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# United Arab Emirates

Last updated:  
8/5/2020

## 1 Restrictions on daily life

As of 8 March 2020, the UAE Government ordered the complete closure of all nurseries, schools and universities across the UAE (initially for a four-week period) with a subsequent system of e-learning or remote virtual learning being put into place until further notice.

On 24 April 2020, the UAE Government eased the earlier mandated lockdown measures which were increasingly more stringently applied in Dubai. Most employers are still operating under a work from home model due to the continued imposition of a countrywide curfew, specifically, from the hours of 22:00 to 06:00 daily and until the end of the Holy Month of Ramadan (approximately 23 May 2020), subject to renewal (previous curfew measures varied across the UAE's seven emirates with Dubai having implemented a three-week 24-hour curfew model with limited exemptions).

During the relaxed curfew hours, residents are now permitted to venture outside for emergency purposes only and subject to having procured and obtained a pre-approved permit from the applicable authorities. There are general broad-brush restrictions on residents' activities outside of curfew hours including general abiding of precautionary health and safety measures, social distancing, the wearing of facial marks at all times (gloves are optional) and the

imposition of limited social gatherings. Those under the age of 12 or over the age of 60 are currently prohibited from entering any of the UAE's shopping malls. Pre-approved permits are no longer required to be procured by residents outside of curfew hours.

Companies operating in certain business critical sectors which are broadly defined as including financial services, health sector, pharmaceutical, food and retail outlets, security services, construction, logistics and delivery services, supply chain, workshops, cleaning services and cash transport, are exempt from the revised curfew and other directive provisions; although they too remain subject to appropriate implementation of health and safety and social distancing measures.

## 2 Resuming activity

Outside of curfew hours, there has been a general, albeit limited, relaxation on commercial activities with businesses now being permitted to re-open. However, this is broadly subject to not more than 30% of the normal staff headcount being on-site in the office or premises at any given time and provided social distancing and strict general health and safety precautionary measures including the wearing of facial masks; provision of checkpoints at the entrance and exit of the workplace for temperature checks (to be conducted twice daily as a minimum, upon leaving/entering the

workplace); reducing the number of employees who can have meals in any workplace restaurant with minimum mandated space between employees of at least two metres; and restricting customer visits to the work premises to 30% of the seating capacity. Exceptions apply to certain business critical sectors (as above). The remaining 70% of the workforce must continue to work remotely.

For those employees working remotely, employers must comply with remote working-specific guidelines including procuring the technical equipment necessary to facilitate home/remote working.

Employers generally continue to be subject to a legal (and moral) imperative to ensure the safety, health and welfare of employees. You have a legal obligation to notify the applicable health authority in the emirate in which your organisation is operating in the event that you suspect an employee has coronavirus or is displaying symptoms of coronavirus. A failure to do so can result in imprisonment and/or fines (up to AED 10,000). Employees are also separately under a statutory personal duty not to transmit the disease (even if they are asymptomatic), not to travel outside their homes if they suspect they have coronavirus, to seek medical treatment and not to break any mandated quarantine period. Penalties for breach can vary but include fines (up to AED 100,000) or imprisonment (up to five years).

For Dubai International Finance Centre (DIFC) and Abu Dhabi Global Market (ADGM) employees in particular, you should avoid any targeted screening questions which may relate to disability, nationality or ethnicity and advise employees that the objective of screening is strictly related to workplace health and safety (particularly as these two free zones have in place stringent anti-discrimination regimes).

### **3 Data privacy and the use of apps**

As earlier indicated, temperature checks are mandated by the UAE Government at the entrance and exit of the workplace (this also applies to the UAE's various shopping complexes) as part of countrywide precautionary health and safety measures. An employee or customer who refuses to abide by these compulsory checks can legitimately be refused entry to the office or workplace premises.

Employers have a legal duty to notify the applicable health authority in the event of a suspicion and/or diagnosis of coronavirus. In such cases, as a precautionary health and safety measure, and without revealing the name of the infected employee, employers should apply their emergency response procedures including promptly ascertaining who the infected employee may have come into contact with and notifying these staff of potential exposure

to get medically screened, confirm medical clearance (or otherwise) and to remain away from the place of work (assuming they are not otherwise working from home). Internal staff-wide communications might be required such as office closures whilst interim measures are applied and adopted (e.g. office sterilisation). Additionally, communications with and to the applicable health authority will also reveal other prescribed steps specific to the circumstances for the employer to undertake.

The DIFC issued interim legislation through its Presidential Directive No.4 of 2020 (the 'Presidential Directive') and against the backdrop of the current coronavirus crisis which expressly permits employers to collect, process and share employees' personal data (including information regarding their health, travel, coronavirus-related symptoms) for any reasonable purpose related to the health and safety of their employees, or required by a competent authority, provided that they do not process more information than reasonably necessary. Other provisions of the DIFC's standalone data protection regime continue to remain in place including any rights afforded generally to data subjects.

## **4 Pay and leave**

### ***Sickness and quarantine pay***

Normal sick leave entitlements in the UAE are broadly 90 calendar days of which the first 15 days are at full pay, the next 30 days at half pay and the remaining period without pay. For DIFC and ADGM employees, sick leave provisions are slightly different: 60 working days of leave (comprising full pay for the first ten days, half pay for the next 20 days and remaining 30 days without pay).

Exceptionally in the DIFC, the Presidential Directive makes clear that any sick leave taken by an employee as a consequence of having contracted coronavirus (as confirmed by a sick leave certificate issued by a competent authority) and/or being placed in quarantine by any competent authority to limit the spread of coronavirus shall not be counted towards any sick leave entitlement under the DIFC Employment Law. These employees are entitled to 100% of their daily wage for the duration of this coronavirus-related sick leave (certain other conditions apply).

### ***Temporary pay support***

No measures to subsidise salaries of employees have been introduced.

## 5 Reduction of activity and restructuring

### Reduction of activity

A Ministerial Decree (279/2020, the 'MD') was exceptionally introduced as interim legislation by the Ministry of Human Resources and Emiratisation (the 'MOHRE') against the backdrop of the current coronavirus crisis. It applies to employers operating under the direct remit and control of the MOHRE and the DDA free zone (some other free-zones have also adopted broadly similar, but not identical, guidelines and/or measures akin to the MD).

The MD codifies various employer cost-cutting measures and prescribed procedural frameworks including forced leave (without employee consent), salary reduction (with employee consent) and unpaid leave arrangements (again with employee consent). Where employees have become surplus to business requirements owing to the coronavirus crisis and are terminated for redundancy, there is a continuing obligation on termination to maintain monthly contractual allowances (or the provision of accommodation in cases where this is provided to employees) and medical insurance coverage until the employee is able to exit the UAE, secure alternative employment or the MD is suspended or revoked, whichever is earlier. There is also an obligation on employers to offer employees the opportunity to have their details registered on the MOHRE's virtual

labour market (an online jobseeker's portal).

In the DIFC, the Presidential Directive similarly permits various employer cost-cutting measures, albeit, uniquely, without the requirement for employee consent. These measures include reduced working hours, forced leave, unpaid leave, temporary salary reductions and remote working. The Presidential Directive will remain in effect until 31 July 2020 (subject to renewal).

There is no concept of temporary layoff in the UAE. From a pure employment context, force majeure cannot be availed or relied upon by employers.

This is a rapidly evolving area with new measures being applied at very short notice.

### **Restructuring**

Redundancy is not expressly catered for in the UAE Labour Law or the laws of the DIFC or ADGM. Ordinary termination rules will continue to apply.

Under the UAE Labour Law, there is potential exposure to an arbitrary dismissal award in cases of redundancy terminations involving unlimited-term contracts; or automatic early termination compensation payments for premature termination of a fixed-term contract for redundancy. As indicated earlier, the MD imposes continuing contractual obligations in specific termination

scenarios. Neither the DIFC nor ADGM employment laws currently provide for the concept of arbitrary or unfair dismissal but they do have specific anti-discrimination provisions in place.

## 6 Travel

UAE national citizens have been banned from travelling overseas and those currently overseas have been advised to return to the UAE (special repatriation flights are being implemented to facilitate this).

Travel restrictions are currently in place (effective since 24 March 2020) with inbound and outbound flights suspended until further notice (save that the UAE's civil aviation authority is now permitting limited outbound repatriation flights to select countries and subject to home country governments permitting inbound flights).

UAE residency visa holders currently outside the UAE, whether due to earlier business or personal travel, are currently prevented from re-entering the country. This was initially for a period of two-weeks commencing at noon on 19 March 2020 but was extended indefinitely. However, these individuals are directed to the Ministry of Interior's 'Tawjudi' information portal in order to facilitate communication channels with the applicable UAE authorities for a return to the UAE when permitted.



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This is a developing area and additional bans and/or warnings might be implemented at short notice.

## 7 Discrimination

Employers should act in a non-discriminatory manner when implementing any actions or policies and maintain a discrimination-free workplace. In the DIFC and ADGM in particular, employers should be careful not to effect any differential treatment, directly or indirectly, on the basis of a protected ground, such as disability, nationality or ethnicity. Employers may be held vicariously liable if employees harass colleagues on protected grounds (e.g. Chinese employees or those from high-risk or affected regions), even if the employer does not know and would not approve of such treatment.

## 8 Reporting to the authorities

There are now strict reporting requirements to the applicable health authorities in the event that the employee has, or the employer suspects an employee has, coronavirus. An employee also has a legal duty to self-report to the applicable health authorities. Failure to adhere to these reporting requirements will result in stringent penalties being imposed, including fines.

## 9 Emergency laws and the implications for businesses

As indicated in 1 above, a countrywide curfew is in place daily during which time movement permits will only be authorised for emergency cases by the applicable authorities. Certain critical business sectors are exempt from the curfew restriction and the requirement to procure a movement permit. During curfew hours, the UAE police have powers to fine individuals disregarding curfew rules and the UAE authorities have implemented various temporary surveillance powers to monitor countrywide compliance with curfew restrictions.

The UAE justice system is currently operating under a remote virtual working model for specific cases until further notice and various governmental bodies are closed but similarly operating limited online facilities for the benefit of residents.

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## 1 Restrictions on daily life

Current government guidance on quarantine advises:

- Employees with symptoms of coronavirus (however mild) should self-isolate for seven days.
- Employees living in the same household as others who have symptoms of coronavirus should self-isolate for 14 days.

All schools closed on Friday 20 March (except for children of certain key workers). Employees have a statutory right to a 'reasonable' amount of unpaid time off to deal with unexpected events involving their dependants, including where a school unexpectedly closes. Some employers offer paid leave in these circumstances. Parents might also have a statutory right to (unpaid) parental leave, subject to conditions).

On 23 March, the government announced that everyone is required to stay at home for at least three weeks. This period was extended for a further three weeks and is subject to further review. There is a limited exception for work which 'absolutely' cannot be done at home. You should only allow employees to attend work where it is impossible to work from home. If you genuinely require employees to be present in the workplace, consider staffing requirements

and reserve the right to require workplace attendance on short notice.

If you decide to close the workplace temporarily, you will usually need to keep paying your employees in full. In many cases employees may be able to work remotely. If they cannot, they would still be entitled to full pay, as they are able and willing to work but you are not providing them with work. The exception to this is layoff (providing no pay for a period whilst retaining them as employees). This cannot be done without a clear contractual right or employee consent (see 5 below). Employers in certain sectors have also been ordered to close, including pubs, restaurants, cinemas, theatres and most retail outlets. Legislation makes it illegal for many of these sectors to continue to operate. If the closure is compulsory, meaning it would be illegal for employees to continue to work, there is an argument that the affected employees are not entitled to be paid.

## 2 Resuming activity

The government published its 'roadmap' for gradually easing the lockdown and getting the economy moving on 11 May. The guidance remains that office staff should continue to work from home if at all possible. Also on 11 May, following consultation with large businesses, employer groups and trade unions, the government issued more detailed guidance on working safely during

coronavirus. This included eight separate guides covering a range of different types of work: construction and other outdoor work; factories, plants and warehouses; homes, labs and research facilities; offices and contact centres; restaurants offering takeaway or delivery; shops and branches; and vehicles. Generally, you have a duty to take steps that are reasonably necessary to ensure the health, safety and welfare of all your employees. Take simple precautions such as following and enforcing government social distancing and working from home requirements where possible, strictly limiting work trips to those that are absolutely essential, educating staff on hand and respiratory hygiene, conducting risk assessments and following government guidance in relation to self-isolation. You should consider how best to assess risks adequately in relation to home working and provide guidance and information to homeworkers on health and safety risks.

If work cannot be done from home, the employer is not required by law to shut, and if the employer has taken all necessary precautions to safeguard the health, safety and welfare of employees it can require them to attend work. If employees unreasonably refuse, the employer could start disciplinary action against them. If the individual refusing to come into work is pregnant or otherwise at high risk, you should tread carefully and may have to be more flexible. Refusing to allow employees to stay

at home, or disciplining them for not attending work, could potentially lead to legal claims. Employers can limit the risk of such claims if they do not act unreasonably, follow government guidance, and employees are not placed at undue risk.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

Employers can ask employees to inform them if they have been diagnosed or have the symptoms of coronavirus. Employers owe employees a duty of confidentiality which would normally apply to health matters, but they also have a duty to protect the health of all employees so far as they reasonably can. Information about health is also subject to strict data protection processing conditions. To balance these obligations, employers should warn individuals who have been in contact with any suspected or confirmed case of coronavirus, but should not reveal any information any more widely than necessary. It may be possible to alert colleagues without revealing the name of the colleague. The UK Information Commissioner's advice on data protection and coronavirus is available [here](#).

#### *Tracing apps*

Contact tracing apps alert users if they have been in contact with someone who

has tested positive for coronavirus and give them advice (e.g. 'Self isolate'). It is likely to be lawful for an employer to require an employee to tell them if he or she has received an app alert to protect other employees' health (if this information is dealt with confidentially). It is more problematic to require employees to install the app. The employer should be able to require employees to download the app if they provide employee devices, but this is more difficult for personal devices, although the employer may have a 'bring your own device' policy requiring employees to download apps needed by the employer.

Even if the app is downloaded, it is not clear whether it is necessary and proportionate for employers to require employees to use it. This is likely to depend on the sector. It may be proportionate to require employees who work with vulnerable people in a care home to use it, but not proportionate for office workers. The UK Information Commissioner is currently advising that use of contact tracing apps should be voluntary with no negative consequences for individuals if they do not take action. If a contact tracing app alerts an employee and advises them to self-isolate, they are currently not entitled to statutory sick pay (SSP). The employer may need to pay normal salary if they require an employee who has received an alert to remain away from work. This may change if the government extends SSP and/or makes it compulsory for people who have received an alert to stay at home.

### 4 Pay and leave

Unwell employees are entitled to your usual contractual sick leave and pay provisions, which normally includes any entitlement to SSP. Employees without any contractual entitlement may receive SSP if they meet the conditions (the three-day waiting period has been removed temporarily for coronavirus-related absences backdated to 13 March). The government will also reimburse employers with fewer than 250 employees any coronavirus-related SSP they pay to employees for the first two weeks of sickness, backdated to 14 March. The government has extended SSP to employees who are not sick but are self-isolating because they live with someone who has symptoms, or who are especially vulnerable and 'shielding' in accordance with government/medical advice and cannot work from home. You should consider whether to apply the new SSP rules to company sick pay as well. If the employee is able to work remotely, you should pay their usual pay. In other circumstances, if an employee is not sick but you ask them to remain away from work you should pay them their normal salary unless you have a contractual right to reduce pay or you agree reduced pay with employees. The government has introduced the Coronavirus Job Retention Scheme to support employers paying wages during the coronavirus crisis. The scheme applies to all UK employers and involves 'furloughing' designated workers

who are kept on the payroll. The government will reimburse 80% of furloughed workers' wage costs, up to GBP 2,500 per worker per month. The employer can choose to top-up the 80% payment. The scheme was backdated to 1 March 2020 and will run until at least the end of June. Workers cannot do any work for an employer that has furloughed them.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

- The new Coronavirus Job Retention Scheme provides UK employers whose operations have been severely affected by coronavirus with support for paying wages (see 4).
- You may be able to lay off employees (provide them with no work) or provide employees with less work (and correspondingly less pay). Employee consent is needed, unless there is a clear contractual right to do so in the contract of employment. Specific statutory provisions provide certain rights to a guaranteed payment and a statutory redundancy payment in certain circumstances.
- You could consider reducing hours for employees who do not have a contractual right to a particular level of work (e.g. those on zero hours contracts).

- You can ask employees to take holiday if the appropriate notice is given. If this is not covered in the employment contract, the default arrangements in the Working Time Regulations 1998 apply: the requisite notice is double the amount of leave the employee is being told to take.

### *Restructuring*

Redundancy is a potentially fair reason to dismiss, and you would also need to follow a fair procedure. You should also follow rules for collective consultation if you are proposing to make 20 or more employees redundant at one establishment within a 90-day period. Proposals to change terms and conditions might also require collective consultation if the alternative to agreeing changes is dismissing employees.

On average, redundancies of fewer than 20 employees (same employer/location) can be done in two to three weeks, between 30 to 100 will take five to six weeks and over 100 will take seven to eight weeks. The UK's level of administrative requirements is less than most of the European jurisdictions but more than the really unregulated environments of the US and Singapore.

No UK coronavirus-related programmes impose restrictions on restructuring.

## 6 Travel

The UK government has issued a series of [guidance documents](#), covering the immigration implications of the coronavirus outbreak. There is also a free telephone and email Coronavirus Immigration Helpline.

Advice for UK visa applicants and temporary residents includes information on requesting an extension to 31 May 2020 for people in the UK with visas expiring between 24 January and 31 May 2020 who cannot leave the UK because of travel restrictions or self-isolation. It also enables people with visas expiring within the same dates to apply in-country for a long-term visa where they normally would have to apply from abroad and provides other information and concessions for individuals.

The advice for sponsors of migrant workers and students is aimed at employers and education providers and covers concessions on application, salary and reporting requirements where disruption to application services and business operations has occurred due to coronavirus.

Guidance has also been published to enable employers to carry out adjusted right to work checks remotely on a temporary basis until further notice. Current government travel advice is available [here](#) and [here](#).



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## 7 Discrimination

Any request not to attend work should be related to potential exposure to the virus and should apply to all staff regardless of nationality or ethnicity, otherwise this could give rise to direct race discrimination claims. Refusing to approve personal travel to badly affected areas may indirectly discriminate against certain employees because such a ban would disproportionately affect them. It is a defence that the action is a proportionate means of achieving a legitimate aim. You could be vicariously liable if employees racially harass colleagues. Employers will only avoid liability if they can show that they took 'all reasonable steps' to prevent employees behaving in such a manner.

## 8 Reporting to the authorities

COVID-19 is a reportable disease under RIDDOR (Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013). RIDDOR imposes a duty on employers and people in control of work premises to report serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses) to the Health and Safety Executive. An employer must only make a report in respect of COVID-19 under RIDDOR when:

- An unintended incident at work has led to someone's possible or actual exposure to coronavirus (e.g.

accidental exposure in a laboratory). This must be reported as a dangerous occurrence.

- A worker has been diagnosed with COVID-19 and there is reasonable evidence that it was caused by exposure at work. This must be reported as a case of disease.
- A worker dies as a result of occupational exposure to coronavirus.

## 9 Emergency laws and the implications for businesses

VAT and income tax payments have been deferred. There is a HMRC Coronavirus helpline if you cannot pay tax and there is a Time to Pay Scheme to delay payments.

There is a 12-month business rates holiday for all retail, hospitality, leisure and nursery businesses. There is grant funding available to businesses and a Coronavirus Business Interruption Loan Scheme.

Police have been given new powers to arrest people who break the coronavirus lockdown.

## 10 Other points

Employers have a duty to protect the health and safety of staff, including taking additional care with vulnerable employees. Current guidance is that

coronavirus can cause more severe symptoms for older people, pregnant women and those with long-term pre-existing medical conditions. The government's latest advice on social distancing advises vulnerable people to be particularly stringent and follow social distancing measures. Employers have additional duties towards pregnant employees.

As a result of the coronavirus crisis, gender pay gap reporting requirements are suspended for reports this year, the proposed IR35 reforms have been postponed to April 2021 and amendments made to the Working Time Regulations 1998 to enable carry-over of holiday into the next two leave years for workers who have been unable to take it.

Useful links:

[Government guidance for employers and businesses on coronavirus](#)

[Acas Coronavirus: advice for employers and employees](#)

[Coronavirus guidance on social distancing for everyone in the UK \(Gov UK\)](#)

[Claim for wage costs through the Coronavirus Job Retention Scheme \(Gov UK\)](#)

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# United States

Last updated:  
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## 1 Restrictions on daily life

The US federal government has not imposed a nationwide lockdown; however, many state and local governments have issued such orders. Restrictions vary. Information on state and major municipality orders is available [here](#).

## 2 Resuming activity

Around 35 states have started to relax coronavirus restrictions, allowing certain business to re-open. A map detailing each state's restriction easing is available [here](#).

The category of businesses permitted to reopen and their obligations depend on each state's orders and local laws. Generally, employers are encouraged to take the following steps:

**Provide** education on the proper method for washing hands.

**Post** reminders in key areas on the proper way to prevent the spread of germs, such as using hand sanitiser containing at least 60-95% alcohol and covering your mouth with tissue (or an elbow or shoulder if no tissue is available) when coughing or sneezing.

**Ensure** tissues, hand sanitiser and disposable wipes are readily available for employee use. Consider providing no-touch waste receptacles.

**Encourage** employees to work remotely if feasible.

**Ensure** employees are aware of the importance of not reporting to work if they are ill and/or experiencing fever, cough, shortness of breath, sore throat, runny or stuffy nose, headache, and fatigue.

**Notify** employees they will be sent home immediately if they report to work ill or become sick during the workday and will be separated from other employees in accordance with Center for Disease Control health guidelines.

If an employee is confirmed to have coronavirus, employers should **inform** fellow employees of their possible exposure to it in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

**Communicate** to employees that the organisation is monitoring the virus outbreak and will take proactive steps as necessary to protect their health. Decisions will be based on the best available information.

You may choose, if not legally required to do so (by state or local orders), to require employees to wear masks. Generally, if you require masks be worn, you should provide them. If the masks can be cleaned by hand or in regular laundry, then employers would not be required to compensate employees for cleaning (state or local laws may require this).

An employee cannot generally refuse to return to work. For an employee who was receiving unemployment benefits as a result of coronavirus, a refusal could result in termination of unemployment benefits. However, an employer may not discriminate against an employee who exercises his or her right under the Occupational Health and Safety Act ('OSHA'). Under OSHA, an employee may refuse to come to work if he/she asked the employer to eliminate a hazard in the workplace but the employer failed or refused to do so.; he/she has a good-faith belief that an imminent danger exists; a reasonable person would agree there is real danger of death or serious injury; and there is no time to get the hazard corrected through appropriate channels.

Employees may refuse to return to work because they believe they are at a higher risk due to a pre-existing medical condition. If the pre-existing medical condition is a 'covered disability' under the ADA, the employer should engage in the interactive process with the employee and provide reasonable accommodation, if any, that does not constitute undue hardship to the employer. According to the US Equal Employment Opportunity Commission (EEOC), employers can test on-site employees for coronavirus as a condition of entering the workplace and may conduct temperature checks on employees returning to work. Employers should ensure tests are accurate and reliable.

Employers may not provide names of infected employees, but general notice is appropriate so employees can monitor themselves for symptoms and seek medical treatment if needed. Employers may share information with public health authorities and other government organisations to enable them to carry out their responsibilities.

### **3 Data privacy and the use of apps**

#### ***Protecting privacy***

You should examine existing privacy policies regarding the collection of medical information, and determine what is permitted. Only request information from employees that is essential to public health and safety. Develop policies and procedures for disclosing coronavirus information and for responding to government requests for information. Ensure that appropriate security measures are taken to avoid accidental or malicious access to employee's medical information by third parties, or other employees. When gathering personal data, be mindful state privacy laws may affect coronavirus-related privacy considerations. For example, Californian law imposes an obligation on employers to inform employees of the categories of personal information to be collected.

#### ***Tracing apps***

An app capable of contact-tracing is not yet available in the US. Therefore, there is little guidance on employers' use of contact-tracing apps or whether organisations will be legally permitted to mandate employees to download contact-tracing apps. This would implicate a variety of laws, including the ADA, HIPAA, other federal and state civil rights laws, privacy and consumer protections, and (with respect to public employers) federal and state constitutional issues.

### **4 Pay and leave**

#### ***Sickness and quarantine pay***

The recently enacted federal Families First Coronavirus Response Act (FFCRA), which applies solely to employers with fewer than 500 employees, provides for up to 80 hours paid sick leave and expands the existing Family and Medical Leave Act ('FMLA') to provide an extended period of unpaid or partially paid leave for a public health emergency ('E-FMLA'). Under E-FMLA, the sole basis for partially paid leave (two-thirds of the employee's regular rate of pay for up to ten weeks) is whether the employee is not able to work or telework because he/she must provide childcare for a child below 18 years of age due to that child's school being closed because of the coronavirus or childcare is unavailable because of the coronavirus.

The law is effective from 1 April 2020 to 31 December 2020. Additionally, coronavirus is likely to meet the definition of 'serious health condition' under the FMLA, meaning employees covered by it with the virus are entitled to (unpaid) FMLA leave subject to that law. However, state and local laws may require paid sick leave: ensure your sick leave policies comply with any that may apply.

#### ***Temporary pay support***

The Emergency Paid Sick Leave Act (the paid leave provision of the FFCRA) requires private employers who employ fewer than 500 employees (and government employers) to provide up to 80 hours of paid sick time to an employee unable to work (or telework) because he or she:

1. Is subject to a federal, state or local quarantine or isolation order related to coronavirus.
2. Has been advised by a health care provider to self-quarantine due to concerns related to coronavirus.
3. Is experiencing coronavirus symptoms and is seeking a medical diagnosis.
4. Is caring for an individual who is subject to a quarantine or isolation order or has been advised by a health care provider to self-quarantine.
5. Is caring for a son or daughter because the child's school or place of

care has been closed or the child's childcare is unavailable due to coronavirus precautions.

6. Is experiencing any other substantially similar condition specified by the Secretary of the HHS in consultation with the Secretary of the Treasury and the Secretary of Labor.

Paid sick leave for part-timers is equal to the average number of hours the employee works over a two-week period. If paid sick leave is taken, employees must be compensated at the higher of the employee's regular rate of pay, federal minimum wage, or local minimum wage. If time off is taken to care for a sick family member or a child who is not in school, employees must be compensated at two-thirds of the greater of the amount mentioned above. There is a cap of USD 511 per day and an aggregate limit of USD 5,110 for those receiving full wages (categories 1, 2, and 3 above). For categories 4, 5, and 6 (two-thirds rate), there is a USD 200 cap per day, with USD 2,000 aggregate. Under the E-FMLA, an employee may take paid sick leave for the first ten days of that leave period (if you qualify under the Paid Sick Leave Act), or choose to substitute any accrued PTO. For the following ten weeks, the employee will be paid for leave at no less than two-thirds of his or her regular rate of pay for the hours normally scheduled to work. The employee will not receive more than USD 200 per day or USD 12,000 for the twelve weeks.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

An employer's response to a state or local 'shelter in place' order depends, in part, on the requirements of the specific order and the impact it has on the employer's financial viability. Telework or paid holidays may be an option, while others may be required to lay off employees, either temporarily or permanently, depending on the employer's financial viability. In these situations, employers may be required to provide notice to affected employees before implementing the layoff. Employers with unionised workforces must consider the requirements of an applicable collective bargaining agreement (CBA) in determining what steps they may take. Whether *force majeure* applies to a specific contractual obligation depends on many factors, including whether the provision identifies a pandemic or public health crisis as a *force majeure* situation or whether it can be interpreted to apply. Employers may consider implementing a temporary layoff (furlough), a reduction in salary for its exempt workforce (see below) and/or a reduction in hours for its nonexempt workforce. A furlough may be best if the employer currently lacks the resources to pay employees but intends to recall them (or at least some of them) after the current slowdown. Reducing work hours may be appropriate for employers who need to reduce costs while continuing

operations. Additional issues to consider when reducing work hours or reducing wages include whether the employee is 'exempt' or 'nonexempt' under the Fair Labor Standards Act (FLSA). Nonexempt employees must be paid minimum wage and overtime, and reductions to an exempt employee's salary ordinarily will cause a loss of the exemption, with limited exceptions (e.g., reducing the exempt employee's salary to a lower, fixed salary for a limited period, say a few months, during the pandemic may allow the employer to continue to treat the employee as exempt, depending on his or her salary).

### *Restructuring*

The federal Worker Adjustment and Retraining Notification Act (WARN Act) requires employers with more than 100 full-time employees to provide 60 days' advance notice to workers affected, unions, and government officials prior to a plant closing that results in 'employment loss' for 50 or more full-time employees during any 30-day period at a single employment site, or a mass layoff at a single employment site that results in 'employment loss' of 500 or more employees during a 30-day period or 50-499 employees that constitute at least 33% of full-time workforce. The federal WARN Act contains an 'unforeseen business circumstance' exception excusing full 60-day notice for employment losses triggered by a 'sudden, dramatic, unexpected action or condition outside the employer's control.'

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A global pandemic is not expressly included as an 'unforeseen business circumstance'; however, any reasonable interpretation of the exemption suggests it will apply, a conclusion supported by a recent executive order from the California governor. Nevertheless, employers must give written notice with as much warning as possible plus an explanation for the shortened notice. In addition to the federal WARN Act, employers must also comply with any applicable state 'mini' WARN Acts.

## 6 Travel

Organisations have the right to curtail business travel. They also can advise employees against personal travel to high-risk areas and the possibility of quarantine if they do so. Upon an employee's return from travelling, the employer should monitor the employee for signs of illness.

## 7 Discrimination

Organisations must ensure their decisions are based on facts and are uniformly applied. Employees are protected by anti-discrimination laws, including protection against discrimination based on national origin and race.

## 8 Reporting to the authorities

Organisations should report illnesses as required by applicable law. For the duration of the coronavirus crisis, all employers must report any confirmed coronavirus diagnosis that is both work-related, and involves OSHA general recording data to OSHA. OSHA recognises that certain employers may have difficulty assessing whether workers who contracted coronavirus did so due to exposure at work, given the possibility of community transmission. Employers of workers in the healthcare industry, emergency response, and correctional institutions must continue to make work-relatedness determinations pursuant to OSHA. OSHA will only require other employers to report coronavirus illnesses where:

- There is objective evidence that a case may be work-related. This could include a number of cases developing among workers who work closely together without an alternative explanation; and
- The evidence was reasonably available to the employer. Examples include information given to the employer by employees, or information an employer learns regarding employees' health and safety in the ordinary course of managing its business.

## 9 Emergency laws and the implications for businesses

FFCRA provides a limited refundable employment tax credit equal to the amount that an employer pays to an employee under its paid leave provisions, i.e., up to USD 511 for a day of absence for the reasons numbered 1, 2 or 3 in 5 above, or USD 200 for absences for the reasons numbered 4, 5, or 6 in 5 above, to a maximum of ten days per employee for the year under the Sick Pay Leave Act and no more than USD 200 per day or USD 12,000 for twelve weeks, if the employee takes E-FMLA leave. Those amounts are increased by the amount of non-taxable health insurance premiums paid by the employer for employees on Emergency Paid Sick Leave, for the days of leave, and further increased by the amount of Medicare tax owed by the employer with respect to Emergency Paid Sick Time payments (generally 1.45%). The total credit amount is also included in the employer's income for income tax purposes. State and local orders may include additional assistance for employers.

## 10 Other points

Organisations should provide ongoing guidance and information to employees based on developing facts and take appropriate steps based on those facts. They should avoid overreactions that unnecessarily raise anxiety levels.

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# Venezuela

Last updated:  
13/5/2020

## 1 Restrictions on daily life

On 13 March 2020, the National Executive issued Decree No. 4,160 (the 'Decree') declaring a state of emergency in view of the health and security risks deriving from the coronavirus pandemic. The state of emergency was originally meant to last for a period of 30 days, but the National Executive has extended it for the second time, for an additional 30 days, until 12 June 2020.

*Quarantine:* On 16 March 2020, the National Executive announced a nationwide quarantine and imposed restrictions in moving among states and municipalities, which continue to be in force. Curfews have been imposed in some states and municipalities. The national quarantine also involves the suspension of public shows, exhibitions, concerts, conferences, sports and any other public events. The Decree provides the mandatory use of face masks in all public places and establishes quarantine and isolation of confirmed and suspected coronavirus cases.

*Schools:* The Decree suspended all school and academic activities from 16 March 2020. The local authorities and public and private educational institutions are to coordinate academic reprogramming and distance education platforms.

*Workplace:* Labour activities continue to be suspended since 16 March 2020. Certain sectors deemed essential are

excluded from this nationwide suspension, including health services, police, telecommunications and media, fuel sales and gas stations, medical supplies, pharmaceutical services, food supply and water distribution. Restaurant delivery and take-out services are permitted.

*Petrol:* There are severe petrol rationing measures in place, across the territory.

*Banks:* Bank branches, administrative offices and other banking activities involving on-site customer service are suspended. Banks must ensure the assistance of the minimum personnel required for the operation of ATMs, internet banking, electronic means of payment, wire-transfers, points of sale, and online banking services.

## 2 Resuming activity

The state of emergency and quarantine remain effective until at least 12 June 2020. Further, the Decree provides that it can be extended for additional periods of 30 days, until the pandemic is deemed to be adequately contained. It is anticipated that resuming activities after the pandemic containment is officially declared, will take place gradually and following a risk-based approach. Also, restarting operations could largely be affected by the severe petrol shortage.

The National Executive has also recently announced quarantine relaxation

measures that include allowing children and the elderly to spend time outside free from lockdown for a number of hours, once a week.

In the meantime, the experience of businesses that have not closed because they are deemed essential, proves useful for anticipating return-to-work guidelines. For instance, some companies have set up specialised Covid-19 committees for surveillance and detection purposes. They are also required to adopt the recommendations given by the World Health Organization (WHO):

- Washing hands frequently.
- Social distancing (at least one metre).
- Avoid touching eyes, nose and mouth.
- Use of face masks and gloves; and
- If early symptoms are detected such as fever, cough and difficulty breathing, seek medical care.

Additionally, employers could institute coronavirus testing as a condition for employees to return to work, as long as there is reason to suspect the employee has contracted coronavirus. Reasons for considering an individual has or could have contracted coronavirus are:



- He or she shows the symptoms widely acknowledged by the WHO.
- He or she has been in contact with an individual who is suspected to have contracted Covid-19 or tested positive for it (including having traveled with such individual).
- He or she has been identified as such and notified of their condition by the sanitary authorities.

### 3 Data privacy and the use of apps

#### *Protecting privacy*

We recommend that all guidelines involving health screenings and other safety-related measures be previously discussed and approved by the employer's Health and Safety Committee. Employees must be informed of these guidelines and in principle, consent to their implementation.

However, because quarantine is compulsory in Venezuela in cases of suspicion of infection (based on the grounds mentioned above), you could resort to sanitary authorities to impose quarantine/self-isolation, in case an employee under suspicion refuses to undergo testing or health screening procedures.

#### *Tracing apps*

You cannot compel your staff to install tracing apps and to grant access for the employer to know when an employee receives a notification. Employees must give their consent to this type of measure and refusal to do so cannot be used against the employee.

### 4 Pay and leave

#### *Sickness and quarantine pay*

If an employee is infected with coronavirus during the suspension of activities and to the extent that such employee's job is not deemed as essential, then it would be treated as a general illness and the employee would be entitled to paid leave. Once the illness has been certified by the Social Security, the Social Security pays two thirds of the employee's salary and the employer pays one third for the duration of the leave.

On the other hand, if the employee was infected at the workplace or as a result of work performance, then it could qualify as an occupational illness/accident and the employee would be entitled to paid leave. Once the illness has been certified by the Health and Safety Institute, the Social Security pays two thirds of the employee's salary and the employer pays one third for the duration of the leave. The employer could also be liable for moral damages and loss, and if it is found that the employee contracted coronavirus

due to a violation of required health and safety regulations by the employer, he or she would be entitled to additional compensation ranging from one to eight years of salary, depending on the seriousness of the illness and its consequences.

In both cases, if the employer has failed to register the employee with the Social Security, then the employer must pay the employee's full salary.

#### *Temporary pay support*

On 22 March 2020, the President announced that the Executive would pay the wages of all employees working for small and medium companies, for six months (from March to August). Payment would be made through the 'Patria' platform (an online system originally used for individuals to register and receive benefits from social assistance programmes). During the course of April, several spokesmen from the Executive branch announced instead that the Executive would make partial payments of wages in the form of a supplementary bonus. Although no guidelines or regulations have been published to this effect, the Executive has been paying monthly bonuses for the amount of the current minimum wage (approximately USD 2.00 at the current official exchange rate) to individuals registered in the Patria platform. However, several users of the platform have reported that they have not received such payments.

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Essential sectors: Employers in sectors deemed essential are working with the minimum personnel required to sustain operations and are adopting measures such as shift rotations to reduce personnel risk exposure. WHO recommendations must be strictly observed by these employers. Employers must further ensure that their employees have appropriate identification to prove that they qualify as essential personnel.

Telework: The call to suspend activities from the National Executive does not prevent employees who can perform work remotely from doing so. In these cases, employers have adjusted the terms of the employment relationship to include new ways of supervising and reporting work.

Other types of work: In the context of the Decree, to the extent that work cannot be performed remotely, employment relationships are suspended. This means that during the suspension, employees are not required to work, and employers are not required to pay salary, but must continue to pay social security contributions and food benefits. Benefits agreed through collective bargaining are not affected by the suspension either. Employee seniority continues to accrue during the suspension (this affects seniority-based benefits such as

severance, vacations and vacation bonus). Some employers have chosen to pay compensation matching the employees' full salary or a portion of it, during the suspension.

### *Restructuring*

The Executive has confirmed the labour freeze (which was already in effect before the coronavirus pandemic) until 31 December 2020. This means that employees, except top-level employees and temporary employees, cannot be dismissed without cause and without prior authorisation from the Labour Ministry. The Labour Ministry is currently working under a reduced schedule and is exclusively hearing employee claims for violation of rights. Dismissal authorisation procedures can be cumbersome so employers are resorting to offering employees incentivised termination payments in exchange for their resignation in order to implement effective downsizing measures.

## 6 Travel

Following the declaration of a national state of emergency, all national and international flights (commercial or private) have been suspended as of 17 March 2020, except for overflight, air cargo and air mail operations. Additionally, certain specific flights for the purpose of repatriating Venezuelan nationals from abroad are permitted.

In addition, neighbouring Brazil and Colombia have announced the closure of borders with Venezuela (the Venezuelan Executive has not done so officially). However, cooperation channels for exit and entry between land borders of Colombia and Venezuela are currently in place, with restrictions and in compliance with WHO health and safety regulations.

## 7 Discrimination

There are no specific provisions concerning coronavirus and discrimination, so employers should follow general anti-discrimination provisions.

## 8 Reporting to the authorities

There is no specific procedure for reporting cases of coronavirus. However, in case of suspicion or confirmed cases, you are required to ask your employee to voluntarily undertake quarantine/self-isolation and you must report to the sanitary authorities if he or she refuses to observe it. The National Executive has published a list of health centres that are equipped to diagnose coronavirus. Additionally, a survey has been made available to individuals registered with the Patria platform to determine if the individuals that take the survey can preliminarily be identified as showing coronavirus symptoms.

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## **9 Emergency laws and implications for businesses**

*Taxes:* There is an exemption on Value Added Tax (VAT) and custom duties on the import and sale of face masks and other coronavirus-related goods made by public entities. This exemption will be in effect for a year. Some municipalities have extended the due date for filing the municipal tax on economic activities.

*Police powers:* The Defence Minister has announced that the National Armed Forces are executing various immigration controls in states and cities across the country, as preventive actions to control the spread of the coronavirus.

*Justice system:* Administrative proceedings and judicial activity are suspended, with the exception of claims involving constitutional rights and certain criminal proceedings.

*Price controls:* The Ministry of National Trade announced pricing controls for 27 basic goods.

*Other measures:* The President has announced other measures that include the implementation of a debt relief program, the suspension of rent payments for homes and businesses during six months and a prohibition on cancelling telecommunication services.

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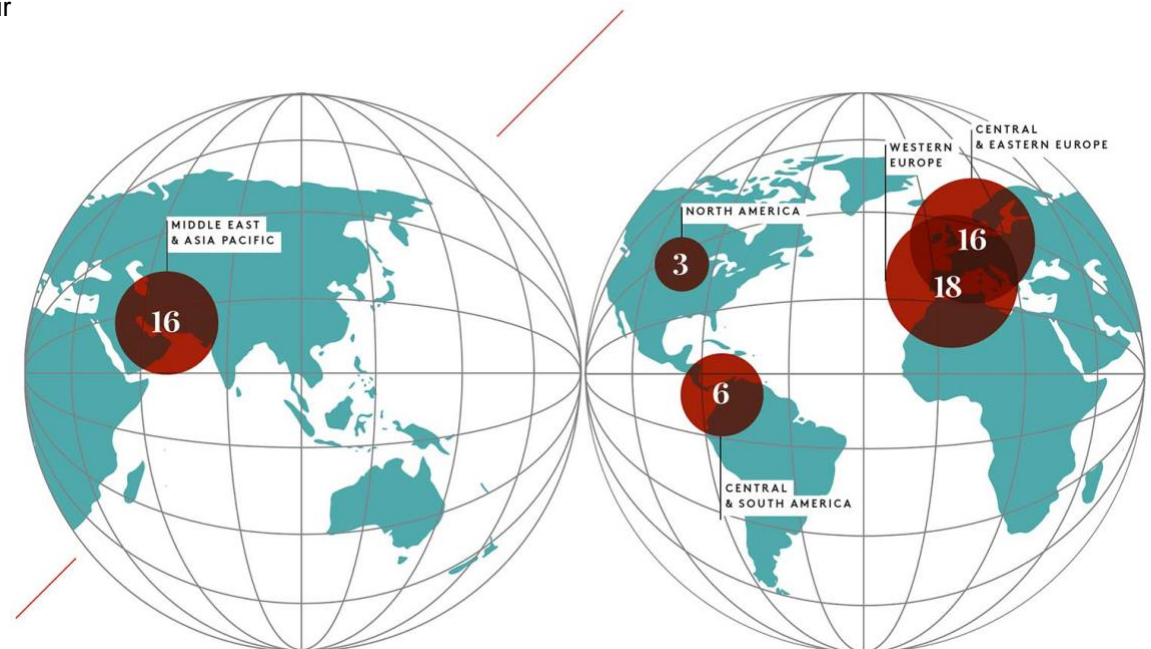
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