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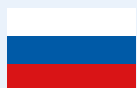
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In this guide, we set out our answers to some of the key employment law-related questions we have been asked (and to some that we have not yet been asked) by employers in a number of key jurisdictions around the globe in relation to the coronavirus disease 2019 (COVID-19), commonly known as the “coronavirus”.

You will see that, broadly speaking, the lack of knowledge about coronavirus and the speed of its spread has left employers facing similar questions and arriving at similar conclusions, wherever they are based in the world. In Europe, much of the background law is similar, but there are still some key differences around employee rights, and these are highlighted below.

We are conscious that the situation is changing very rapidly and we are, therefore, updating the information in this guide as soon as we become aware of changes to legislation/guidance/best practices in particular countries. At the top of each country report, we indicate when the report was last updated. We recommend that you always check the latest position with your local firm labour and employment lawyer. But in whatever country you are dealing with, remember three things: 1) this is not just a legal issue, but also a very human one; 2) these are unprecedented times in recent history; and 3) for both those reasons, a considered and proportionate approach to employee issues will almost always lead to a better outcome than knee-jerk over-reactions or blind compliance with the law, regardless of your actual circumstances. In addition, keep in mind that the coronavirus has potential repercussions for businesses well beyond the bounds of employment law – for example, in relation to commercial terms, data protection and privacy, use of technology, etc. – and, therefore, this guidance cannot be read in isolation.

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Prepared by Squire Patton Boggs. Readers are advised to check the information at the time of use.







<b>What are an employer's health and safety obligations in relation to its staff?</b>	<p>Employers have a statutory duty to ensure the health and safety of their workers, so far as is reasonably practicable. This involves taking reasonable steps to eliminate or minimise hazards and risks to health and safety in the workplace. What this duty requires in the context of the virus will vary depending on the nature of an employer's business and the workplace. Employers should carry out a risk assessment and then implement reasonably practicable control measures to mitigate the COVID-19 hazard.</p> <p>Employers should monitor employee health, require employees to inform them if they contract or come into close contact with the virus, require unwell employees to stay at home and provide a medical certificate prior to their return, and inform employees about taking hygiene and precautionary measures. As virus rates are on the rise in Australia, employers may consider recommending or requiring employees to work remotely from home, where possible. Employers should keep up to date with government travel and health advice, review and update relevant policies (e.g. safety and travel policies) to ensure they are appropriate and flexible to meet changing circumstances, have an appropriate crisis response plan in place, and clearly communicate developments and policy changes to employees.</p> <p>The Australian government has implemented "social distancing" measures to prevent the spread of the virus, including a prohibition on non-essential indoor gatherings of more than 100 people and outdoor gatherings of more than 500 people. The government's current measures (as at 20 March 2020) also include a recommendation that individuals maintain distances of four square metres in enclosed spaces, avoid handshakes and ensure hand hygiene. In line with the government's current policies, we recommend employers, as part of fulfilling their health and safety duties, take steps to implement social distancing, such as banning face-to-face meetings. Government guidance on social distancing in the workplace is available <a href="#">here</a>.</p>
<b>Should employers place restrictions on work-related international travel?</b>	<p>Employers can direct employees not to undertake any work-related travel activity if it is necessary to meet workplace health and safety obligations, or is otherwise a reasonable and lawful direction. Employers should keep abreast of and follow the Australian government's travel advice (available <a href="#">here</a>). Current government advice is that Australians should not travel overseas. Travellers returning from overseas must self-isolate for 14 days and will not be able to attend work. As of 9 p.m. AEDT on Friday 20 March 2020, all non-residents are barred from entry to Australia. Accordingly, to ensure compliance with health and safety duties to employees, we recommend employers place restrictions on overseas work-related travel if they have not already done so. To ensure business as usual as far as possible, we recommend considering if alternative arrangements (e.g. holding meetings via videoconference) can be arranged.</p>
<b>In what circumstances are employees required to self-isolate?</b>	<p>The position is changing quickly, so employers should always check the latest advice from the Australian government (see the Department of Health advice available <a href="#">here</a>). Based on current government requirements, any employees who have returned from overseas from midnight on 15 March 2020 must self-isolate at home for 14 days. Based on current advice, employers should also require employees who think they may have been in close contact with a confirmed case of the virus to stay at home from work and isolate themselves for 14 days (and seek medical advice if they develop symptoms such as a fever, cough or sore throat). If an employee is identified as having had close contact with a confirmed case of the virus, they will be contacted daily by a representative of the local public health unit to monitor their symptoms.</p>

<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>This depends on the circumstances. Employees (other than casual employees) are entitled to access their paid personal leave entitlement under the Fair Work Act 2009 (Cth) (FW Act) if they contract the virus, or are required to care for a family member who is unwell or because of an unexpected emergency (such as a school closure).</p> <p>There are no specific FW Act provisions addressing a situation where employees are required to be quarantined. The Fair Work Ombudsman's advice is that where an employer reasonably directs a healthy full-time or part-time employee to stay at home from work (for example, in line with government advice), the employee should ordinarily be paid while that direction applies. If an employee cannot attend work due to government self-quarantine requirements, the employee is not ordinarily entitled to be paid unless they access their leave entitlements. However, employers should consider whether any specific obligations apply under a modern award, enterprise agreement or employment contract.</p> <p>Employers could consider providing employees with access to their paid sick leave, annual leave or other leave entitlements (such as long service leave or other leave available under a modern award, enterprise agreement or employment contract), arranging for alternative paid or unpaid leave by agreement, or implementing flexible working or remote working arrangements.</p> <p>If employers direct employees to take annual leave, they must ensure the direction is reasonable and complies with the terms of any applicable modern award, enterprise agreement or employment contract.</p> <p>Employers should review their policies and contracts concerning sick leave and implement a consistent approach if offering additional paid or unpaid leave in excess of statutory entitlements.</p> <p>If employees are required to or offered the option of working from home, employers should ensure they are able to comply with their safety duties and monitor productivity. We would recommend employers review their remote working policies and ensure they require the use of appropriate home workstations and comply with relevant company procedures if using personal devices for work.</p>
<p><b>How should employers deal with members of staff who refuse to come to work because they are concerned about the risk of infection?</b></p>	<p>Given the escalating threat level in Australia, it may be reasonable for employees to refuse to attend work due to fear of infection. This will depend on the circumstances of the workplace and the employee. If employees want to take precautionary measures and not attend their workplace, they must negotiate an appropriate arrangement with their employer. This could include a request to work from home or accessing some form of leave entitlement (and normal leave application processes will apply). If no arrangement is entered into with the employer to use paid leave, employees will not be entitled to any pay.</p> <p>The Fair Work Ombudsman's guidance is that employees who refuse to work because they have a reasonable concern about an imminent risk to their health or safety are not considered to be taking industrial action, provided that they are not failing to comply with any direction to perform other appropriate work.</p>
<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>Advice from the Department of Health (available <a href="#">here</a>) is that facemasks are not currently recommended for use by healthy members of the public. Employers should consider this on a case-by-case basis, while ensuring they implement consistent requirements with regard to the wearing of facemasks.</p> <p>Wearing facemasks to work risks suggesting that the employee is unwell, which may lead to difficulties in their interactions with clients and colleagues. However, employers should be wary of imposing on employees' personal choices. Further, allowing employees to wear facemasks may reduce the number of employees who may otherwise refuse to attend work.</p>

<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>This will depend on the nature of the employer's workplace and the circumstances in which the employee has been affected.</p> <p>Employers should direct the infected employee to stay at home from work (accessing their personal leave entitlements where available) until medically cleared to return to work. We also recommend the employer contact its local health authority for guidance as soon as possible after becoming aware of the situation.</p> <p>As a minimum, employers should consider implementing additional hygiene practices in the workplace as an added precaution.</p> <p>Employers may be required (or consider it prudent) to send home employees who may have come into contact with the virus, or shut down the workplace as a whole, for the required self-isolation period (see our above recommendations on this issue). This will depend on the circumstances and current government advice.</p> <p>In all circumstances, employers should keep employees informed about the situation.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>As this is a complex area, we recommend employers take specific advice on this issue.</p> <p>Subject to the terms of an applicable employment contract, modern award or enterprise agreement, an employer may be able to order employees to temporarily stay at home from work without pay, under the FW Act's stand-down provisions. These provisions may be engaged if the virus directly or indirectly causes a "stoppage of work" that the employer cannot reasonably be held responsible for. Employers can only enforce an unpaid stand-down where employees cannot be usefully employed and the employer is not able to "obtain some benefit or value for work" from them. The Fair Work Ombudsman's advice is that standing down employees without pay is not generally available due to a deterioration of business conditions or because an employee has the virus.</p> <p>Accordingly, prior to implementing a stand-down, employers should seek advice and determine whether there is any alternative work employees could usefully perform within the business, as well as consider the terms of their employment contracts and any applicable awards or enterprise agreements.</p> <p>If an employer no longer requires an employee to perform their role because of worsening conditions, this may trigger redundancy obligations. Employers should ensure any dismissals undertaken as a result of the pandemic are lawful. For instance, equal opportunity legislation prevents employers from dismissing employees on discriminatory grounds, and under the FW Act, employees are protected from dismissal due to temporary absence because of illness or injury.</p>

<p><b>What other steps are employers taking to respond to the challenging economic situation caused by the virus?</b></p>	<p>There are various steps that employers are considering, or may consider, including:</p> <ul style="list-style-type: none"> <li>• Requesting employees to work remotely in order to prevent the spread of the virus. As flagged above, this would require a review of the employer's "working from home" policy to ensure that suitable arrangements are made.</li> <li>• Reviewing employee working hours and/or pay to reflect current business needs.</li> <li>• Introducing job-share arrangements.</li> <li>• Requesting staff to take out some of their paid leave entitlements.</li> <li>• Asking for volunteers to take unpaid leave or sabbaticals.</li> <li>• Imposing bans on travel and other expenses.</li> <li>• Deferring annual pay increases and/or bonuses.</li> </ul> <p>The majority of these changes could only be implemented with the consent of the employees and may require consideration of any applicable modern award, enterprise agreement and/or employment contract terms. Employees are more likely to consent, however, if it is made clear to employees that the employer is taking such steps to minimise the need for possible redundancies and that the financial pain is being shared to at least the same extent by management.</p>
<p><b>Key websites/sources of guidance</b></p>	<p>The Department of Health's COVID-19 health alert (updated daily) is available <a href="#">here</a> and its information sheet for employers is available <a href="#">here</a>.</p> <p>Information from the Department of Home Affairs regarding travel restrictions and advice is available <a href="#">here</a>.</p> <p>Information published by the Fair Work Ombudsman is available <a href="#">here</a>.</p>



<b>What are an employer's health and safety obligations in relation to its staff?</b>	<p>A distinction is to be made between companies deemed to provide services/perform activities which are "essential" to the protection of the vital interests of the nation and the needs of the population.</p> <ul style="list-style-type: none"><li>• Companies deemed essential:<ul style="list-style-type: none"><li>– Continuation of activities.</li><li>– Homeworking, if the position allows it.</li><li>– If position does not allow homeworking, companies must take the necessary measures to maintain a distance of 1.5 m between each person.</li></ul></li><li>• Companies not deemed essential:<ul style="list-style-type: none"><li>– Homeworking is mandatory.</li><li>– If position does not allow homeworking, companies must take the necessary measures to maintain a distance of 1.5 m between each person. If this is not possible, the company must close down. This rule also applies to transport organised by the employer.</li></ul></li></ul>
<b>Should employers place restrictions on work-related international travel?</b>	<p>The instruction is to avoid all travel, save in those circumstances where it is strictly necessary.</p>
<b>In what circumstances are employees required to self-isolate?</b>	<p>Because homeworking is now mandatory, the question only applies to employees who are nevertheless required to come to the work place, because homeworking is not an option.</p> <p>Although strictly speaking, an employer cannot ban an employee from coming to work if they are not displaying any symptoms, the employer has a duty to take preventative measures, which may include agreeing with employees to self-isolate if they may pose a threat to their colleagues because they have potentially been exposed to the virus.</p>
<b>Do employers have to pay an employee if they self-isolate?</b>	<p>If the employee shows symptoms, he/she may be entitled to sick leave at the expense of the employer or a state allowance for temporary <i>force majeure</i>.</p>
<b>How should employers deal with members of staff who refuse to come to work because they are concerned about the risk of infection?</b>	<p>If the nature of the employee's job/role allows them to work from home, they should do so. If homeworking is not an option, the employee may have to take paid or unpaid leave.</p>
<b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b>	<p>No, this is strongly advised against.</p>
<b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b>	<p>The recommendations made by the UK government may be considered to apply equally to Belgium as best practice.</p>



<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>Where an employer is temporarily unable to employ staff for reasons related to Coronavirus measures, it may place its staff in temporary unemployment for reasons of force majeure. During this period, the employees will, in principle, benefit from a state allowance (70% of the current salary, capped). The employer that invokes force majeure must make an electronic declaration to the Unemployment Office as soon as possible. Temporary unemployment for force majeure may also be applied for if employment is still possible, but the workload has reduced as a result of the coronavirus crisis.</p> <p>Because the situation is only temporary, a termination of the employment contract for force majeure is not in order, so a termination would entitle the employee to regular severance pay.</p>
<p><b>What other steps are employers taking to respond to the challenging economic situation caused by the virus?</b></p>	<p>The measure of temporary unemployment is being invoked on a large scale. In addition, there are other steps that employers are considering, including:</p> <ul style="list-style-type: none"> <li>• Asking for volunteers for unpaid leave/sabbaticals</li> <li>• Reducing individuals' working hours or pay by consent, or introducing job-sharing arrangement</li> <li>• Bans on expenses</li> <li>• Deferral of annual pay increases and/or bonuses</li> </ul> <p>Ultimately, if the above steps do not achieve the required savings, job losses and/or redundancies may be considered.</p>
<p><b>Key websites/sources of guidance</b></p>	<p><a href="https://www.info-coronavirus.be/nl/">https://www.info-coronavirus.be/nl/</a></p> <p><a href="https://werk.belgie.be/nl/nieuws/coronavirus-preventiemaatregelen-en-arbeidsrechtelijke-gevolgen">https://werk.belgie.be/nl/nieuws/coronavirus-preventiemaatregelen-en-arbeidsrechtelijke-gevolgen</a></p> <p><a href="https://www.rva.be/nl/nieuws/tijdelijke-werkloosheid-ten-gevolge-van-het-uitbreken-van-het-coronavirus-covid-19-china-en-andere-landen-getroffen-door-de-ziekte-update-15032020">https://www.rva.be/nl/nieuws/tijdelijke-werkloosheid-ten-gevolge-van-het-uitbreken-van-het-coronavirus-covid-19-china-en-andere-landen-getroffen-door-de-ziekte-update-15032020</a></p>



<p><b>What are an employer's health and safety obligations in relation to its staff?</b></p>	<p>Since a number of companies in China have resumed work, local government authorities have issued specific requirements and guidance from a health and safety perspective. Though the specific requirements vary among locations, in principle, the following actions are advisable:</p> <p><b>Office Management</b></p> <ul style="list-style-type: none"> <li>• Develop and implement a contingency plan and a procedure for the reporting of employees who are infected or suspected to be infected by the coronavirus disease 2019 (COVID-19)</li> <li>• Disinfect offices, including, but not limited to, office areas, elevators, rest rooms, office equipment, vehicles and other areas where people may gather</li> <li>• Minimise people gathering in any workplace and, to the extent possible, encourage videoconferencing and telecommuting</li> <li>• Provide employees with appropriate janitorial and sanitation supplies upon the resumption of work (e.g. facial masks and disinfectant, where possible)</li> <li>• Inform employees of the latest government requirements and guidance</li> </ul> <p><b>Health Status of Employees</b></p> <ul style="list-style-type: none"> <li>• An employer should survey all employees at work and maintain a health status log</li> <li>• Measure temperatures of all employees before office entry and deny the entry of any employee whose temperature exceeds the level set by the local authorities</li> <li>• Encourage employees to wear facial masks in the workplace</li> </ul> <p><b>Transportation Management</b></p> <ul style="list-style-type: none"> <li>• Consider re-arranging employees' working hours to avoid travelling during peak hours</li> <li>• Remote working arrangements are also encouraged, where practicable</li> </ul>
<p><b>Should employers place restrictions on work-related international travel?</b></p>	<p>Given the 14-day self-quarantine requirement for persons visiting or returning from high-risk areas (including Korea, Italy, Iran and Japan, as of the date of this article), employers should consider avoiding employees' business travel to such areas, unless such travel is absolutely necessary and in compliance with any restrictions placed by the local authorities in China. In Shanghai, the local government has specified that business trips to high-risk areas are currently prohibited.</p> <p>Employers should also check the immigration control measures taken by destination countries applicable to passengers from China with respect to COVID-19 (see the latest <a href="#">travel advice</a> from the Consular Department of the Ministry of Foreign Affairs).</p>
<p><b>In what circumstances are employees required to self-isolate?</b></p>	<p>It is advisable that employers follow the requirements and guidance from the local government in this regard. Currently, a general nationwide practice is anyone who has travelled to high-risk countries or areas should report to the relevant authority, self-quarantine and stay away from work for 14 days, even if they have no symptoms. Such high-risk countries/areas include Hubei province, Korea, Italy, Iran and Japan, as may be updated from time to time.</p>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>Any employee who is infected by COVID-19, any employee suspected to be infected, any employee in close contact with such a person during an isolation or medical observation period, and any other employee unable to work as a result of the government's implementation of isolation measures or other emergency measures is entitled to normal salary payment during such period.</p>
<p><b>How should employers deal with members of staff who refuse to come to work because they are concerned about the risk of infection?</b></p>	<p>For any member of staff who refuses to come to work in relation to COVID-19, we recommend that an employer check with such employee for his/her specific concerns before taking any action. Where appropriate, alternative or flexible working arrangements should be explored to address such concerns. An employer should keep written records of the communication with such employee, including the actions that the employer has been taking to protect the health and safety of its staff.</p> <p>Whereas an employer is required to provide necessary labour protection supplies to its employees under Chinese law, in principle, a facial mask is not considered a necessary labour protection supply for most jobs. Consequently, an employee may not lawfully refuse to come to work on the account of the employer being unable to provide facial masks.</p>

(con't)	Without a justifiable reason for being absent from work, an employer may take disciplinary action against such an employee based on the applicable laws and its company policies.
<b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b>	<p>In such circumstance, an employer must report to the local disease prevention and control authority, identify people who have been in close contact with the individual, and take other necessary precautionary actions, including isolating and disinfecting the individual's workspace.</p> <p>Depending on the particulars of the situation and the advice from the disease prevention and control authority, an employer may need to close the workplace.</p>
<b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b>	<p><b>Employees Under the Influence of COVID-19</b></p> <p>The employer is prohibited from terminating any employee who is infected by COVID-19, any employee suspected to be infected, any employee in close contact with such a person during an isolation or medical observation period, and any other employee unable to work as a result of the government's implementation of isolation measures or other emergency measures in accordance with Articles 40 and 41 of the Employment Contract Law, which provisions deal with an employer's right to terminate unilaterally for a reason other than "cause".</p> <p>In addition, in the event a labour contract expires during any such period, the employment contract must be extended until the expiration of the medical period, isolation period, medical observation period or the end of the isolation or emergency measures taken by the government.</p> <p>Employers should also note that employees would be entitled to the reinstatement of employment or wrongful termination severance if the lay-off is held to be illegal. We recommend that employers take specific legal advice on this issue before implementing any lay-off.</p> <p><b>Other Employees</b></p> <p>Under the labour laws of mainland China, there are only limited bases on which an employer may unilaterally terminate an employee. In theory, an employer could rely on the "lay-off for economic reasons" provision in the Employment Contract Law for a unilateral termination, subject to the satisfaction of certain conditions and procedures in relation thereto. Nevertheless, the government authorities in China have encouraged employers to take actions (e.g. negotiation of a salary adjustment with employees) designed to maintain headcount, either in order to avoid a lay-off or to minimise the scale of any lay-off, which indicates that any such lay-off may be subject to scrutinised review by the labour arbitration institutions or courts, if disputes arise.</p> <p><b>Can we adjust the employee's compensation in light of COVID-19?</b></p> <p>In case of any difficulty in business operations as a result of COVID-19, an employer is encouraged to negotiate with employees to reach an agreement on salary adjustment, adjustment of position and rest days, or a reduction in work hours.</p> <p><b>In case of shutdown, how should we pay the employees?</b></p> <p>For any shutdown caused by circumstances related to COVID-19, employees must, within one salary payment cycle, be deemed to be working as normal and be entitled to their normal salary. If the shutdown period exceeds one salary payment cycle, for employees who actually work, their salary must at least be the local minimum salary; for employees who do not work, the employer must pay a subsidy to the employee, the standard of which is determined by the local government of each province. For example, in Shanghai, the subsidy must be no less than the local minimum salary standard; in some cities in Zhejiang, the subsidy standard is 80% of the local minimum salary.</p>



<b>What are an employer's obligations from a health and safety perspective in relation to their staff?</b>	<p>Employers are obliged to create a safe working environment and follow the requirements of the Occupational Safety and Health Association (OSHA) by implementing appropriate measures of risk prevention. Suitable measures may include steps taken in an effort to control the spread of coronavirus in the workplace. From a practical standpoint, we recommend that employers:</p> <ul style="list-style-type: none"><li>• Where practicable, arrange a "work-from-home" regime.</li><li>• If the nature of the work does not allow employees to work remotely, ensure a sufficient supply of protective equipment (especially facemasks and handwash) at the workplace.</li><li>• Ensure employees have been informed of the symptoms, as well as of the newest recommendations for minimising the risk of infection, issued by the government and public administrative authorities.</li><li>• Implement a system for reporting those who have shown symptoms of infection.</li><li>• Implement a mechanism for reporting and prevention in the case of individuals who have visited a high-risk area (i.e. PRC, Iran, Italy, South Korea, France, Spain, Germany, Switzerland, Norway, Denmark, the Netherlands, Sweden, the UK, Belgium and Austria). This mechanism may also include a system of mandatory or voluntary quarantine for employees who have returned from one of these high-risk areas (see below).</li><li>• Ensure that all control measures taken for the purposes of evaluating and mitigating risk were in accordance with the instructions or recommendations of the public administrative authorities.</li></ul>
<b>Should employers place restrictions on their staff in terms of work-related international travel?</b>	<p>The Ministry of Foreign Affairs of the Czech Republic is continually updating the information on its website regarding the current situation and measures taken by other individual states to combat the coronavirus. Effective from 16 March 2020, the following restrictions are placed on international travel:</p> <ul style="list-style-type: none"><li>• Czech citizens may not exit the Czech Republic (unless they have permanent residence in the destination country).</li><li>• Foreigners (with or without residence permits in the Czech Republic) may exit the Czech Republic but will not be able to return during the state of emergency.</li><li>• Czech citizens and foreigners with residence permits in the Czech Republic coming back from risk countries (i.e. PRC, Iran, Italy, South Korea, France, Spain, Germany, Switzerland, Norway, Denmark, the Netherlands, Sweden, the UK, Belgium and Austria) are allowed entry to the Czech Republic, but are obliged to remain in compulsory quarantine for two weeks.</li><li>• Czech citizens and foreigners with residence permits in the Czech Republic coming back from safe countries are allowed entry to the Czech Republic, but are obliged to remain in compulsory quarantine if they show any symptoms.</li><li>• Foreigners without residence permits in the Czech Republic are not allowed entry to the Czech Republic for so long as the crisis continues.</li></ul> <p>It follows that for practical purposes, employees are currently prevented from work-related international travel.</p>

<b>In what circumstances are employees required to self-isolate/stay away from work?</b>	<p>Czech citizens and foreigners with residence permits in the Czech Republic coming back from risk countries (i.e. PRC, Iran, Italy, South Korea, France, Spain, Germany, Switzerland, Norway, Denmark, the Netherlands, Sweden, the UK, Belgium and Austria) are obliged to remain in compulsory quarantine.</p> <p>Czech citizens and foreigners with residence permits in the Czech Republic coming back from safe countries are obliged to remain in compulsory quarantine if they show disease symptoms, including:</p> <ul style="list-style-type: none"> <li>• Fever over 38°C</li> <li>• Shortness of breath</li> <li>• Persistent cough</li> <li>• Muscle pain</li> <li>• Fatigue</li> </ul> <p>Employees who have not recently been abroad, but do have such symptoms, should immediately contact their GP, the regional hygiene station or use the emergency line 1212. Until they receive the result of a COVID-19 medical examination, they should remain self-isolated.</p>
<b>Do employers have to pay an employee if the employee self-isolates?</b>	<p>In terms of Labour Law, where a quarantine order is imposed, the employee is entitled to receive 60% of average earnings during the first 14 calendar days. If the employer arranges with the employee for them to work from home over that period, the employee is entitled to receive the standard wage or payment.</p> <p>If the employer orders the employee to adhere to home quarantine, the employee is entitled to full pay over that period.</p>
<b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b>	<p>Although the risk of being infected by coronavirus in the Czech Republic remains quite low, due to the constant media coverage of this issue, many people are needlessly concerned about the potential risks, especially if they fall in a group that is more susceptible to infection, meaning the elderly and those with weakened immunity. Employers should promote communication with their employees about coronavirus, inform them of what steps they can take to avoid infection and what steps the employer itself can take. Employers should pay attention to how their messages are being perceived in order to prevent needless panic or concern.</p>
<b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b>	<p>The employer is not permitted to forbid employees from wearing surgical masks.</p>
<b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b>	<p>The current recommendations from the government are that the employer should contact the relevant regional hygiene station or use the emergency line 1212 and discuss with them the situation as it happened, identify the people, who have come in contact with the person in question, and discuss next-steps preventative measures.</p>



<p><b>If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off staff in these circumstances? Are they obliged to continue to pay them?</b></p>	<p>Where the employer has defined in a written agreement with the trade union that it is unable to provide the employees with work within normal working hours due to a temporary drop in sales or in demand for its services, the employee shall be entitled to pay in the amount determined in the agreement, which shall be no less than 60% of their average earnings.</p> <p>Where no trade union organisation operates at the employer's undertaking, such agreement may be substituted by internal regulations.</p>
<p><b>Key websites/sources of guidance</b></p>	<p>The information is available at the following sites:</p> <ul style="list-style-type: none"> <li>• <a href="#">Ministry of Foreign Affairs</a></li> <li>• <a href="#">Ministry of Health</a></li> <li>• <a href="#">National Institute of Public Health</a></li> <li>• <a href="#">Ministry of Labour and Social Affairs</a></li> <li>• <a href="#">Public Health Network of Prague</a></li> </ul>

<p><b>Latest developments</b></p>	<p><b>Total confinement measures have been introduced in France for a minimum of 15 days from noon on Tuesday 17 March 2020, with the scope for potential renewal:</b></p> <ul style="list-style-type: none"> <li>• Closure of all unnecessary shops, restaurants and cultural venues; food shops, pharmacies, etc. remain open</li> <li>• French citizens must hold a sworn affidavit for their day-to-day journeys: food shopping, medicine shopping, medical appointments, physical activity, etc. – this sworn affidavit must be renewed every time the person has to go outside</li> <li>• A sworn affidavit from the employer may allow the employee to go to the workplace when home working is not possible – this sworn affidavit is valid for the entire duration of the period of confinement</li> <li>• Individuals could be subject to a fine of €135 for moving without sworn affidavits</li> </ul> <p>Templates of sworn affidavits are available on a dedicated <a href="#">website</a>.</p>
<p><b>What are an employer's health and safety obligations in relation to its staff?</b></p>	<p>In terms of risk prevention, employers are required to make their best efforts (<i>obligation de moyens renforcée</i>).</p> <p>They must be in a position to demonstrate that they implemented all necessary preventative measures to guarantee the safety and protect the physical and mental health of their employees.</p>
<p><b>Should employers place restrictions on work-related international travel?</b></p>	<p>The French government has decided to suspend all travel to and from France for 30 days. Only exceptional travel is permitted (e.g. the repatriation of French nationals).</p>
<p><b>In what circumstances are employees required to self-isolate?</b></p>	<p>Since 17 March 2020, homeworking is imperative for all jobs that allow it. If homeworking is not possible, the employees must respect the so-called "barrier" measures, in particular, washing their hands frequently with soap or disinfecting them with a hydro-alcoholic solution if there is no water point nearby and keeping a distance of one metre from their colleagues.</p>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p><b>If the employee is eligible for sick leave</b> – Payment of Social Security daily benefits for employees who have been off work (sick leave noted by a doctor from the Regional Health Agency) for a maximum of 20 days.</p> <p>The employer must pay an additional allowance in accordance with the law and any applicable collective bargaining agreement if the employee is on sick leave.</p> <p><b>If the employee is not eligible for sick leave (or homeworking)</b> – May take paid annual leave to cover the period of confinement. Otherwise, the employer is not obliged to pay an employee who does not perform their employment contract without justification.</p>
<p><b>How should employers deal with members of staff who refuse to come to work because they are concerned about the risk of infection?</b></p>	<p><b>Right of withdrawal ("<i>droit de retrait</i>") in cases of serious and imminent danger</b> – If the employee has legitimate reasons to believe that the situation presents a serious and imminent danger to their life or health, the employee may refuse to come to the workplace. The employer may not take any sanctions and must maintain pay.</p> <p>The possibilities of using the right of withdrawal are limited if the employer has taken the necessary preventative and protective measures.</p> <p><b>In the absence of serious and imminent danger</b> – If the withdrawal right is obviously being abused, the employer may make a salary deduction for non-performance of the employment contract. However, this situation does not constitute serious misconduct (<i>faute grave</i>), but possibly a real and serious cause for dismissal if the employee refuses to return to work despite appropriate warning and reassurance by the employer.</p>

<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>The decision shall be taken by the employer, based on the employer's power of management. In general, an employer may prohibit certain behaviour if: (i) the ban is justified and (ii) proportionate to the intended purpose. This would include, for example, causing fear to customers, potential impact on the company's image, impact on business relations with customers and propagation of an anxiety-provoking climate in the company.</p> <p>In light of current circumstances, it is, however, recommended that employees who continue to work and are in contact with the public or other people wear masks.</p>
<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>Instruct the infected employee to consult a doctor at the Regional Health Agency and to stay home (sick leave).</p> <p>The employer must offer the employee the ability to work from home (if possible).</p> <p>Priority for the employer – establishing a list of employees who have been in contact with the infected employee, suggest homeworking and that they consult a doctor from the Regional Health Agency.</p> <p>The employer must take appropriate measures to prevent the spread of the virus, ensure the health and safety of employees (e.g. distribution of masks, disinfectant gel, and hygiene and safety instructions to the employees, etc.). If closure of the workplace is not necessary, the employer should, as a minimum, take necessary steps to disinfect areas and equipment reasonably likely to have been used by the infected employee – the French government has produced guidance on how to proceed with this disinfection process.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>Possible redundancy situation if permanent shutdown of the facility becomes necessary due to:</p> <ul style="list-style-type: none"> <li>• Economic difficulties (e.g. lower turnover or reduction in orders)</li> <li>• Technological changes</li> <li>• Reorganisation of the company, if this is necessary to maintain its competitiveness</li> <li>• Termination of the company's activity</li> <li>• If a substantial number of employees are out of work because they are infected by the coronavirus disease 2019 (COVID-19) and this leads to economic difficulties, this may be a ground for redundancy</li> </ul> <p><b>NB</b> – two situations:</p> <ul style="list-style-type: none"> <li>• Redundancy and mass layoff procedures <b>initiated before</b> the epidemic <b>should not be impacted and continue to be implemented</b> (pre-redundancy meetings and validation by the DIRECCTE)</li> <li>• <b>Redundancy and mass layoff procedures that are about to be initiated</b> – Instructions will be given to the local labour authorities to prevent these collective redundancy plans as much as possible.</li> </ul> <p>Companies impacted by COVID-19 may benefit from the partial unemployment coverage ("activité partielle") – <i>see below</i>. The French government requires that <b>priority</b> is given to partial activity, instead of making staff redundant.</p>

<p><b>What other steps are employers taking to respond to the challenging economic situation caused by COVID-19?</b></p>	<p>There are various steps that employers are considering, including:</p> <ul style="list-style-type: none"> <li>• Offering home working to employees whose duties allow it</li> <li>• Asking staff to take some of their paid annual leave entitlement</li> <li>• Modifying dates of paid leave if already scheduled</li> <li>• Taking days off or RTT days in agreement with the employee</li> <li>• Bans on travel and other expenses</li> <li>• Adapting work organisation (new collective working hours, adaptation of workstations, workplace layout and multi-skilling to replace absent employees) via an in-house collective agreement or, failing that, a unilateral decision by the employer after consulting the CSE</li> <li>• Arranging working time in the event of temporary extra work after informing/authorising the Labor Inspectorate and obtaining the opinion of the CSE (suspension of weekly and/or daily rest, exceeding the maximum daily working time and night work and derogation from the maximum working time)</li> <li>• Resort to the partial activity scheme (see below)</li> </ul> <p><b>Partial Activity</b></p> <p>In order to help companies deal with the COVID19 crisis, the government intends to extend the partial activity scheme.</p> <p>All companies whose activity is reduced due to COVID-19, and, in particular, those that are subject to a closure obligation pursuant to the decree of 15 March 2020, are eligible for the partial activity measure.</p> <p>In the case of partial activity (where there is an impact but no permanent closure), employees who suffer a loss of salary either because of the temporary shutdown of the facility or because of a reduction in working hours are entitled to a specific allowance, which is provided by the state in respect of the relevant salary lost.</p> <p>An employee placed on short-time working receives an hourly allowance, paid by their employer on the usual pay due date, corresponding to 70% of their gross hourly pay (i.e. 84% of their net pay).</p> <p>Registration is to be made online on a dedicated <a href="#">website</a>.</p>
<p><b>Key websites/sources of guidance</b></p>	<p>The French government has launched a <a href="#">website</a>, updated daily, to inform French citizens, employers and their employees on the situation related to COVID-19.</p>



<p><b>What are an employer's health and safety obligations in relation to its staff?</b></p>	<p>Employees should be informed about the risk of infection and on the protective measures they should take against the coronavirus. This is particularly true if the employer is aware of increased risks, e.g. if there are travellers to China or other high-risk areas amongst its staff.</p> <p>The current risk assessment and further information on protective measures can be found on the website of the <a href="#">Robert Koch Institute</a>.</p> <p>Since this situation is unprecedented, it is currently unclear as to what exactly employers must do. The general principles of occupational health and safety apply.</p> <p>Employers also have a duty of care to their staff and must do everything to ensure that their employees can work without danger. Therefore, all measures must be taken to ensure that employees are not infected at the workplace. This includes providing disinfectants and facemasks – especially in the sanitary facilities and entrances to the company.</p> <p>Where applicable, employers should also involve and seek the views of any elected works council in light of their co-determination rights.</p>
<p><b>Should employers place restrictions on work-related international travel?</b></p>	<p>If the employment contract contains an obligation for regular business trips, an instruction to travel is basically permitted. However, there are exceptions. If there is a travel warning from the Foreign Office for an entire country or a partial travel warning for a region, the trip can be refused by the employee.</p> <p>It would be in the interest of most companies to reduce or refrain from travel to high-risk countries to keep the risks for their employees and operational processes as low as possible.</p> <p>See the German Foreign Office <a href="#">website</a> for the latest information on travel.</p>
<p><b>In what circumstances are employees required to self-isolate?</b></p>	<p>Sick employees normally receive an official sick note by a doctor that outlines the period during which the employee is unfit to work.</p> <p>In cases of suspected infection, the public health authorities may order a ban.</p> <p>Self-isolation should not be encouraged without advice from a doctor. Employees should visit a doctor or refer to the local branch of the public health department. An employee who self-isolates without medical advice (other than on the instruction of the employer) will not be entitled to be paid during that period.</p> <p>Employees are obliged to report sick to the employer immediately. The type of illness does not usually have to be reported.</p> <p>Because the coronavirus is a highly infectious and dangerous disease, the general duty of loyalty under labour law means that employees who are suffering from it should, and even must, exceptionally notify the type of illness, since only in this way can an employer take appropriate protective measures against the spread of the virus.</p>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>Sick employees normally receive continued payment of their wages by the employer for six weeks per sickness.</p> <p>However, if there is only a suspicion or fear of infection, and the authorities order a ban on employment or a quarantine, they have no right to continued payment of wages. Instead, employees receive compensation from the state. Although the employer must pay this to staff, it will be reimbursed by the responsible health authority. This is laid down in the Protection Against Infection Act.</p>



<p><b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b></p>	<p>Fear and concerns alone are not enough. If there is no concrete evidence of possible infection, employees must come to the office for the most part. An exception would be if an employer makes an agreement with its employees to work from home.</p> <p>In cases where it is suspected that an employee is infected with the coronavirus and there is a concrete risk of infection, the employee may work from home. A unilateral instruction to work from home by the employer is not permitted; such measures must always be accepted by both parties, unless agreed otherwise. Employers may instruct employees to stay at home, but must release them from their work duties in cases of doubt.</p> <p>If an employee refuses to attend work for fear of infection, even though there is no objective basis for fear of infection, employers may first give a warning and, if this happens again, dismiss the employee for conduct-related reasons.</p>
<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>Employers have a right to direct/issue instructions.</p> <p>In order to prevent the coronavirus from spreading, it may, therefore, oblige employees to wear mouth protection and wash or disinfect their hands regularly or even avoid shaking hands. These instructions would be covered by the right of direction.</p> <p>If there is a works council, the right of co-determination must be taken into account in implementing such measures. Before refusing an employee consent to wear a mask at work (see France), employers should have taken reasonable steps to persuade the employee of the disadvantages/pointlessness of doing so; but ultimately, such a refusal does fall within the employer's powers of direction.</p>
<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>Close co-operation with the public health department is strongly recommended.</p> <p>Furthermore, protective measures should be taken for the rest of the workforce. If other employees report virus symptoms, such as fever, coughs, colds, etc., the employer should send them home and direct them to obtain a medical going one way or the other.</p> <p>Data protection laws should not be forgotten. Collecting health data from employees, for example, by measuring possible fever when entering company premises, is not admissible without consent. The same applies to informing third parties (particularly other employees, clients and customers) of a possible infection. It remains to be seen how easily employers can reconcile their duties of confidentiality to the (potentially) infected employee with their duties to other colleagues who may have come into contact with them. The employer should refer to the public health department when in doubt.</p>

<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>As to layoffs, there are two different situations. If a company closes down as a temporary precautionary measure to protect its employees, then the employer also bears the financial risk. The employees must still be paid.</p> <p>The situation is different if the company is ordered to close down by the health authorities. Then, in turn, general state compensation regulations take effect.</p> <p>In this case, no “forced vacation” has to be taken because if the employer closes the company on its own initiative, and the employee cannot come to work, then the employer is responsible. Employees do not have to take leave for this.</p> <p>In order to motivate employers to retain their workforce despite reduced work opportunities and to avoid redundancies, the federal government updated the regulations on short-time working. If at least 10% of the workforce of the business (or part of the business) is affected by lost working hours due to an unavoidable event and any credit balances on working time accounts have been used up, employers can reduce the working hours of the affected employees (even down to zero) under certain conditions. The employment agency will then pay the affected employees short-time working compensation. The employment agency will cover attributable social security contributions. The upcoming reform is limited in time until the end of 2021.</p> <p>For layoffs, the general principles for redundancy situations apply. A virus outbreak itself will not be sufficient for a layoff. A restructuring due to a materially impacted economic situation in the business, by contrast, may be a sufficient reason for business-related termination.</p>
<p><b>What other steps are employers taking to respond to the challenging economic situation caused by the coronavirus?</b></p>	<p>There are various steps that employers are considering, including:</p> <ul style="list-style-type: none"> <li>• Reviewing casual/zero-hour workforce</li> <li>• Compelling staff to take some of their paid annual leave entitlement</li> <li>• Asking for volunteers for unpaid leave/sabbaticals</li> <li>• Introducing short-time working arrangements where there is an express contractual right to do so, or seeking consent to do so, and applying for government short-time working benefits where possible</li> <li>• Reducing individuals’ working hours or pay by consent, or introducing job-sharing arrangements</li> <li>• Banning travel and other expenses</li> <li>• Deferring annual pay increases and/or bonuses</li> </ul> <p>Ultimately, if the above steps do not achieve the required savings, job losses (by way of dismissal of individuals still in their probation period or with fewer than six months’ service, as these individuals do not have unfair dismissal rights and so this should be low risk, provided there is no discriminatory motive) and/or redundancies. Redundancies should ideally also be directed at employees with less tenure: first two years or fewer in order to avoid possible settlement payment amounts.</p> <p>The majority of these changes could only be implemented with the consent of the employees. Employees are more likely to consent if it is made clear to them that the company is taking such steps so as to minimise the need for possible redundancies and that the financial pain is being shared, to at least the same extent, by management.</p>
<p><b>Key websites/sources of guidance</b></p>	<ul style="list-style-type: none"> <li>• Robert Koch Institute Risk Analysis: <a href="https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Risikobewertung.html">https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Risikobewertung.html</a></li> <li>• Robert Koch Institute FAQ: <a href="https://www.rki.de/SharedDocs/FAQ/NCOV2019/FAQ_Liste.html">https://www.rki.de/SharedDocs/FAQ/NCOV2019/FAQ_Liste.html</a></li> <li>• Foreign Ministry Travel Advice: <a href="https://www.auswaertiges-amt.de/de/ReiseUndSicherheit/10.2.8Reisewarnungen">https://www.auswaertiges-amt.de/de/ReiseUndSicherheit/10.2.8Reisewarnungen</a></li> <li>• Federal Health Department: <a href="https://www.bundesgesundheitsministerium.de/">https://www.bundesgesundheitsministerium.de/</a></li> </ul>

<p><b>What are an employer's health and safety obligations in relation to its staff?</b></p>	<p>Employers have a duty to ensure the health and safety of their employees and non-employees (e.g. contractors, members of the public, etc.) so far as is reasonably practicable, considering the best standards and practice. This would include taking reasonable steps to control the spread of the virus at sites under the control of the employer. Employers should carry out a risk assessment and then implement reasonably practicable control measures to either eliminate or mitigate the COVID-19 hazard.</p> <ul style="list-style-type: none"> <li>• Ensure staff are aware of the symptoms and the latest advice on how to minimise the risk of infection.</li> <li>• Implement a reporting procedure for anyone with symptoms or who resides in high-risk areas. It is important to avoid any investigation, as the Italian Data Protection Authority has pointed out that employers must refrain from collecting data in a systematic and generalised way, also through specific requests to all employees or unauthorised investigations, information on any flu symptoms of the worker and their family/closest contacts.</li> <li>• Make individuals aware of the latest government guidance.</li> <li>• Ensure any control measures identified by the risk assessment are aligned with the government's advice.</li> <li>• Invite any employee to stay at home if they develop symptoms of a cough, fever or shortness of breath.</li> <li>• Implement all the legal obligations provided for by the recent legislative and ministerial decrees adopted day-by-day as "urgent measures". This includes immediately removing employees from the workplace who have been required to self-isolate by the National Health Service.</li> <li>• Make employees work remotely, if possible, considering their job role and business needs, by using "smart working" arrangements. According to Decree DPCM 1 March 2020, until 31 July 2020, it is not required to have the agreement of employees. Since all the national territory is considered, as of 10 March 2020, and until 3 April 2020, an "orange alert zone," this is applicable in any Italian region/ municipality. If the employee cannot work remotely, they could be stopped by the police when moving from their home to the office. In this case, the employee must issue a declaration by self-certification that they need to move for actual work reasons. This declaration can be drafted using the form provided by the Ministry of Interior (website: <a href="https://www.interno.gov.it/it/speciali/coronavirus">https://www.interno.gov.it/it/speciali/coronavirus</a>).</li> <li>• Provide to employees who work remotely a health and safety (H&amp;S) notice on the specific risks related to working out of the office: a specific form has been published on the National Insurance for Work Related Diseases and Injuries (INAIL) website.</li> </ul> <p>Update: On 14 March 2020, Confindustria (the main employers' association of the industrial sector) and the trade unions have agreed on guidelines ("<i>Protocollo Condiviso</i>") on how to deal with health and safety in relation to the COVID-19 emergency (<a href="https://doc.confindustria.vicenza.it/sito/docweb.nsf/0/CCE8E87EF234B87BC125852B0037F268/\$File/Protocollo_condiviso.pdf">https://doc.confindustria.vicenza.it/sito/docweb.nsf/0/CCE8E87EF234B87BC125852B0037F268/\$File/Protocollo_condiviso.pdf</a>).</p> <p>Companies in the industrial sector must adapt to the "<i>Protocollo</i>".</p>
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<b>Should employers place restrictions on work-related international travel?</b>	<p>Since 4 March 2020, flights to and from China have been cancelled.</p> <p>Italian employees, when travelling from Italy, could be prevented from entering certain countries. In other areas, they could be required to self-isolate.</p> <p>Business travel of employees, even inside Italy, must be reduced to the minimum as they are allowed only in case of “actual business needs”. Meetings must be replaced, when possible, by conference calls/Skype meetings, etc.</p>
<b>In what circumstances are employees required to self-isolate?</b>	Employees are required to self-isolate upon specific prescription by the National Health Service or order of the Public Authority.
<b>Do employers have to pay an employee if they self-isolate?</b>	<p>If an employee is actually unwell with the virus, they should be entitled to sickness leave and relevant pay.</p> <p>If an employee self-isolates on the advice of the National Health Service, or as a result of an order of the public authorities, this is considered impossibility of performance or <i>force majeure</i>. Best practice would be to agree with the employee a period of paid leave.</p> <p>Update: By 17 March 2020, an employee who self-isolates as a result of a prescription of the National Health Service, and presents to the employer the required certificate, will be considered on sickness leave.</p>
<b>How should employers deal with members of staff who refuse to come to work because they are concerned about the risk of infection?</b>	If employees are absent from work out of fear of the risk of infection, they would not be entitled to their salary, and their absence could be considered unjustified (unless in specific circumstances, e.g. if the employer is not implementing the prescribed health and safety measures).
<b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b>	<p>Employers can invite employees not to wear facemasks, provided that they are not considered necessary for the outcome of the health and safety risk assessment.</p> <p>Update: The <i>Protocollo Condiviso</i> signed on 14 March 2020 between Confindustria and trade unions provides that facemasks must be provided to workers when they are considered necessary for the outcome of the health and safety risk assessment, and in any case, they must be provided when workers have to work less than one metre apart from each other.</p>
<b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b>	Employers should consult the National Health Service, and must involve the Health and Safety functions (the person responsible for the preventative and protective service, RSPP, the doctor in charge, the workers’ representative for safety at the workplace) to discuss any actions that should be taken (including, depending on the circumstances, sanitising the premises or temporary suspension of the activity in that workplace or specific areas).

<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>Employers must first encourage the use of paid leave, provided by the applicable collective bargaining agreement or holidays.</p> <p>In cases of suspension of business activity, the employer, if eligible under statutory provisions, may apply for the so-called CIG, i.e. a special national-funded “shock absorber” that partially covers the payment of salary in cases of temporary lay-off, or FIS (funds provided by collective bargaining agreements).</p> <p>On 17 March 2020, the Italian government announced urgent measures to support workers and businesses. Key changes to note include:</p> <ul style="list-style-type: none"> <li>• There will be Wage Guarantee Funds that will be available where there is a temporary suspension/reduction in working activities. Employers that, during 2020, have to suspend or reduce their business activity because of the virus can apply for funds from the Ordinary Wage Guarantee Fund (CIGO) for a maximum period of nine weeks during the period from 23 February 2020 to 31 August 2020. CIGO can be requested by businesses in the industrial sector, provided they employ more than 15 employees. The same procedural rules are applicable to employers not entitled to CIGO – they can apply for FIS provided they employ between five and 50 employees. Each region and autonomous province can provide for special funds (CIGD) for those employers/employees not covered by CIGO/FIS by signing an agreement with the relevant trade unions. Employers with under five employees can already apply for the regional funds (CIGD).</li> <li>• Any period during which an employee must self-isolate will be treated as sick leave and the employer can apply for direct payment of sick leave by the relevant authority.</li> <li>• There will be new rules governing redundancies – for 60 days after the legislation comes into force, employers will not be allowed to start any collective dismissal procedures or individual dismissal procedure on economic grounds.</li> <li>• While schools are suspended, employees with children under 12 years of age can benefit from 15 days’ leave and the authorities will pay an indemnity equivalent to 50% of their salary. For employees with children between 12 and 16 years of age, they can benefit from this leave, but not the pay.</li> <li>• Paid leave for the care of disabled people will also increase by an additional 12 days per month in March and April 2020.</li> </ul>
<p><b>Key websites/sources of guidance</b></p>	<p>Health Minister website: <a href="http://www.salute.gov.it/nuovocoronavirus">http://www.salute.gov.it/nuovocoronavirus</a></p> <p>National Insurance for Work Related Diseases and Injuries (INAIL): <a href="https://www.inail.it/cs/internet/home.html">https://www.inail.it/cs/internet/home.html</a></p> <p>Council of Ministers website: <a href="http://www.governo.it/">http://www.governo.it/</a></p>





<p><b>What are an employer's health and safety obligations in relation to its staff?</b></p>	<p>Employers are under a legal obligation towards their employees to ensure a safe and healthy workplace. This obligation is provided under common law, as well as under section 15 of the Occupational Safety and Health Act 1994 (OSHA). OSHA imposes an obligation on employers to formulate a health and safety policy at the workplace. A failure to comply with the obligations under the OSHA will constitute an offence that is potentially punishable with both a fine and imprisonment.</p> <p>In view of the wide-ranging obligations from the health and safety standpoint, it is important for employers to devise a policy or action plan on measures that they will implement from the employment law standpoint to prevent, mitigate or deal with the coronavirus disease 2019 (COVID-19) outbreak.</p> <p>In formulating such a policy, employers could take guidance from the "Alert, Enhanced Surveillance and Management of Avian Influenza in Human" (MH Guidelines), which were issued by the Ministry of Health in Malaysia in September 2004 in response to the Avian Influenza outbreak in the country. While dealing with a different epidemic, some of the steps recommended under the MH Guidelines for employers would still be applicable:</p> <ul style="list-style-type: none"> <li>• Instruct employees displaying symptoms of a cough or difficulties in breathing to undergo a medical examination immediately</li> <li>• Regular dissemination of virus-related health information and materials to all employees and visitors</li> <li>• Cooperate with the Ministry of Human Resources and the Ministry of Health, if needed, in the investigation of employees suspected to have the virus</li> <li>• Provide adequate facilities for employees to practice good personal hygiene, such as hand soap, clean water and alcohol-based hand rubs</li> <li>• Ensure that common areas, such as lifts, reception counters and door handles, are cleaned and disinfected regularly</li> <li>• Periodically review and update the work process related to health risk and comply with any directives related to the virus issued by the Ministry of Health or the Department of Occupational Safety and Health from time to time</li> </ul> <p>Further, the Malaysian Ministry of Human Resources has issued Guidelines on Handling Issues Relating to Contagious Outbreaks Including Novel Coronavirus (MHR Guidelines). Although the MHR Guidelines do not prescribe any statutory obligations, employers are strongly encouraged to adhere to them. Under the MHR Guidelines, employers must ensure that employees returning from countries with material numbers of virus cases, such as China, Hong Kong, Japan and Singapore, undergo immediate medical examinations by registered medical practitioners on their return. The medical costs should be borne by the employer.</p>
<p><b>Should employers place restrictions on work-related international travel?</b></p>	<p>Malaysia has implemented an entry ban for foreign nationals who have visited certain areas in China, South Korea, Italy, Japan or Iran in the past 14 days. Since these are high-risk areas, it is advisable that any work-related travel to these areas should be deferred. Additionally, if employers send their workers to these locations, they may not be able to return to Malaysia. Given the circumstances, it is advisable to make use of videoconferencing/Skype facilities, as far as possible.</p> <p>Employers should also be circumspect in sending employees abroad for work to countries or regions materially affected by the virus. An employer's duty to provide a safe system of work is a fluid obligation and if sending employees to affected countries would expose them to a significantly increased health risk, employers would potentially be in breach of that duty.</p>

<p><b>In what circumstances are employees required to self-isolate?</b></p>	<p>To mitigate the risk of infection, the Malaysian government issues quarantine orders to high-risk individuals. Unless an employee is on a quarantine order, she/he may attend work. However, if an employee takes ill or develops symptoms of COVID-19, the employer may instruct the employee to stay at home under paid sick leave.</p> <p>It may be noted that where employees have received quarantine orders from registered medical practitioners, employers may consider them as on paid sick leave. Employers are also encouraged to provide extra remuneration to employees under a quarantine order exceeding their usual length of paid sick leave. Employees should not be compelled to utilise their annual leave entitlement or be made to go on unpaid leave during their quarantine period.</p>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>There is no legal provision around this issue, but employers ought to bear in mind that they cannot in law unilaterally place employees under unpaid leave on the sole basis that the employee is suspected to have contracted the virus. It is advisable to treat such leave as paid medical leave where the self-isolation is at the order of the authorities or the employer.</p>
<p><b>How should employers deal with members of staff who refuse to come to work because they are concerned about the risk of infection?</b></p>	<p>An employer should take steps to understand an employee's concerns before taking any action, especially if they may be at greater risk from developing the virus because of their age or underlying health issues.</p> <p>Generally, if an employee is not on a quarantine order, there is unlikely to be a reasonable explanation why she/he cannot come to work. However, if there were a number of cases in their workplace and no obvious precautions or mitigating measures put in place by the employer, their refusal to attend may become more reasonable. For an employee's unreasonable refusal to attend/travel to an unsafe site, the employer may treat it as part of annual leave, or if annual leave has been exhausted, as unpaid leave.</p> <p>We would recommend taking specific advice for this situation, as there may be risk exposure to the employer if the employee falls sick/gets infected at the premises. If that happens, she/he may be able to make a claim under the Work Injury Compensation Act or sue the employer for breach of its duty of care.</p>
<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>Generally, it is recommended that facemasks are only required to be worn by "symptomatic" individuals (as advised by a healthcare worker) to reduce the risk of transmitting the infection to other people. Similarly, the latest <a href="#">advice</a> from the World Health Organization is that people only need to wear facemasks if they are treating someone who is infected with the virus.</p> <p>If staff are concerned about contracting the virus, they should follow normal best practice about reducing the risk of infection (e.g. washing hands frequently, disposing of tissues, etc.). However, if an employee insists on wearing a facemask, unless there is a reasonable cause for not letting him/her do so, the employer should not ask him/her not to do so.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>For redundancies resulting from impact on business, the employers will have to comply with the necessary retrenchment laws in Malaysia.</p> <p>Employers can also consider alternate work arrangements or temporary reduction in salary. Employers cannot unilaterally reduce the salary of employees, so any such variation will have to be negotiated with the employees. However, employers who have collective agreements in place may seek for a variation of such contractual obligations under section 56 of the Industrial Relations Act 1967 by showing that there are "special circumstances" to warrant it.</p>



<b>What are an employer's health and safety obligations in relation to its staff?</b>	<p>An employer has a statutory duty of care to provide employees with a safe and healthy working environment. For example, the employer must take reasonable steps to prevent its employees from coming into contact with infected visitors or colleagues. An employer must inform its employees about appropriate hygiene measures, other precautionary measures and what they should do if they are possibly infected with the coronavirus. In general, employees should be instructed to work from home as much as possible. If work is being carried out in the office, employers will be expected to minimise the risk of contamination. This could be done, for example, by taking sufficient hygiene measures in the office and making employees work at an appropriate distance from each other.</p> <p>The government has prohibited events involving more than 100 people until at least 6 April 2020. This also applies to businesses. Employers will, therefore, in any case no longer be allowed to hold large meetings or send employees to such meetings in the coming period. Generally, it would be prudent to keep "in person" meetings to a minimum, given the government's instruction to avoid social contact as much possible.</p>
<b>Should employers place restrictions on their staff in terms of work-related international travel?</b>	<p>This depends on the travel advice of the Dutch Ministry of Foreign Affairs from time to time. Currently the advice is not to travel, unless strictly necessary. We recommend adhering to this advice.</p>
<b>In what circumstances are employees required to self-isolate/stay away from work?</b>	<p>We recommend that employers follow the advice of the government. Currently, it requests that individuals who may be infected by the coronavirus should stay at home. If the employee's GP states that the employee must be in self-isolation and must stay away from work, e.g. because the employee is ill or a family member is infected, this advice must be followed. If there is no specific (medical) reason to stay away from work, the employee cannot simply choose to stay away from work.</p>
<b>Do employers have to pay an employee if they self-isolate?</b>	<p>This depends on the circumstances. If an employee refuses to work out of concern about getting infected, there is, in principle, no obligation for an employer to continue to pay them. If there is an acute risk of infection (for example, in workplaces where there have been numerous cases of COVID-19 and no precautions taken by the employer, a family member is ill or the employee is requested to stay at home because he has symptoms), there is an obligation to continue to pay the employee.</p>
<b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b>	<p>If the only reason for refusing to come to work is a fear of infection, but there is no material risk of infection, the employer can decide not to continue to pay the wages during the period that the employee refuses to work. In this situation, the employer can also consider giving a warning to the employee. Under very specific circumstances, even dismissal could be considered if the employee refuses to work without valid reasons. Please note that, currently, the government is insisting on working from home as much as possible, meaning that employees who can work from home have good reasons not to come to the workplace.</p>

<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>In principle, employers have the right to give instructions to their employees and employees must comply with these instructions. However, as a ban on wearing facemasks affects the private life of the employee, some boundaries must be taken into account: (1) instructions can only be given within the scope of the employment agreement and the instruction must be related to the position or activities of the employee; (2) instructions cannot be used by the employer if these are in conflict with mandatory law, such as fundamental rights (equal treatment) and anti-discrimination laws; and (3) the employer must act carefully when relying on its right to instruct, i.e. in applying the rule that facemasks are not allowed, it must satisfy the general requirement of acting as a good employer. This, for example, would mean that the instruction must be clear for employees and that the employer acts consistently.</p> <p>The employer could make it clear that all reasonable security and safety measures are already being taken and that a facemask is unnecessary. Also, the Dutch government only recommends facemasks for medical personnel, who have professional masks. These facemasks only help if they are used correctly. The “simple” facemasks that many people use, for example, do not protect against the virus and have been seen as actively unhelpful in leading wearers to touch their face more often in the process of adjusting them. This can be used to support an argument that employees should not be wearing facemasks in the workplace.</p>
<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>The employer must contact the GGD (Joint Health Service). The GGD will set out a protocol to be followed if the employee has had contact with other employees and there may be a risk of infection at the workplace.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off staff in these circumstances? Are they obliged to continue to pay them?</b></p>	<p>On 17 March 2020, the reduction in working hours legislation was discontinued with immediate effect. Instead, employers can, in the short term, rely on the Temporary Emergency Measure Transitional Regulation for Preservation of Employment (<i>Tijdelijke noodmaatregel overbrugging voor werkbehoud</i>) (NOW)). The conditions for NOW have yet to be fully set out. The government’s aim is to publish the contents of the regulation by 31 March 2020, at the latest.</p> <p><b>Outline of the New Regulation on the Compensation of Wage Costs</b></p> <ul style="list-style-type: none"> <li>• Employers can submit an application to the UWV for compensation of wage costs amounting to a maximum of 90% of the wage bill. The NOW also applies to on-call workers employed by the employer. It also applies to employment agencies that employ temporary workers.</li> <li>• The employer continues to pay the full wages of the employees.</li> <li>• The period over which the employer can receive compensation does not depend on the date on which the regulation takes effect. The compensation can be claimed retrospectively for loss of turnover from 1 March 2020.</li> <li>• On the basis of the application, the UWV will provide an advance payment of 80% of the amount. The actual loss in turnover will be determined afterwards. An auditor’s report is required for large applications still to be determined.</li> <li>• On the basis of the information to be provided, it will be determined afterwards whether the advance payment has been too large or too small, the final compensation can be determined and subsequent payment or a refund will take place.</li> <li>• Compensation can be requested for three months, with the possibility of an extension (possibly subject to other conditions) for another three months.</li> </ul> <p>It is not yet known when applications can be submitted. The application forms are not yet available and further implementing rules are still being prepared.</p>

	<p><b>Conditions for NOW</b></p> <ul style="list-style-type: none"> <li>• The employer may not apply for dismissal on business economic grounds for its employees during the period for which the compensation is being received.</li> <li>• The applicant must expect a loss of turnover of at least 20% from 1 March 2020. Unlike the WTV scheme, it is, therefore, not a reduction in working hours, but a reduction in turnover. It is still unclear how the loss of turnover will be calculated.</li> <li>• The amount of compensation for wage costs will depend on the decline in turnover.</li> <li>• The application is submitted via the employer, Employees do not have to do anything.</li> <li>• Ceasing work is not a condition for the compensation regulation. Employers and employees make agreements together about whether work is carried out (at home).</li> </ul>
<p><b>What other steps are employers taking to respond to the challenging economic situation caused by the coronavirus?</b></p>	<p>There are various steps that employers are considering, including:</p> <ul style="list-style-type: none"> <li>• Reviewing casual/zero-hour workforce</li> <li>• Compelling staff to take some of their paid annual leave entitlement</li> <li>• Asking for volunteers for unpaid leave/sabbaticals</li> <li>• Reducing individuals' working hours or pay by consent – however, an employee is entitled to a partial transition fee (statutory compensation) in the event of a permanent partial termination of at least 20% due to commercial circumstances</li> <li>• Banning travel and other expenses</li> <li>• Deferring annual pay increases and/or bonuses</li> <li>• Ultimately, if the above steps do not achieve the required savings, job losses – however, the employer may not apply for dismissal on business economic reasons for its employees during the period for which it receives compensation under NOW</li> </ul> <p>The majority of these changes could only be implemented with the consent of the employees. Employees are more likely to consent if it is made clear to them that the company is taking such steps to minimise the need for possible redundancies and that the financial pain is being shared to at least the same extent by management. In the circumstances, employees might not be willing though to take their paid annual leave entitlement or a sabbatical at the moment.</p>
<p><b>Key websites/sources of guidance</b></p>	<p>Please refer to the (regularly updated) instructions of the RIVM (National Institute for Public Health and Environmental Protection): <a href="https://www.rivm.nl/coronavirus/covid-19/">https://www.rivm.nl/coronavirus/covid-19/</a>.</p>





<p><b>What are an employer's obligations from a health and safety perspective in relation to its staff?</b></p>	<p>Pursuant to Article 207 of the Labour Code, an employer is responsible for workplace health and safety. The obligation on the part of the employer to provide a safe working environment for employees means that the employer is obliged to take measures aimed at ensuring employees' actual safety, not merely act to fulfil the occupational health and safety (OHS) obligations universally in effect.</p> <p>This means that an employer is obliged to re-assess workplace risk factors (e.g. for those working in client-facing roles, like salespersons, customer services, couriers) and take measures toward at least minimising exposure to the virus at the workplace.</p> <p>The employer can (i) enhance hygiene at the workplace (ensure hand hygiene supplies are available; clean and disinfect frequently touched surfaces daily); (ii) encourage personal protective measures among employees (limit large work-related gatherings or in-person meetings; limit business-related travels, consider the possibilities for remote working); and (iii) monitor updates and inform employees about relevant governmental and public authorities recommendations (Ministry of Health, Ministry of Labour, State Sanitary Inspection, State Labour Inspection).</p>
<p><b>Should employers place restrictions on their staff in terms of work-related international travel?</b></p>	<p>As far as business travel is concerned, an employer ought to abide by communications and warnings issued by the Ministry of Foreign Affairs (<a href="https://www.gov.pl/web/dyplomacja/informacje-dla-podrozujacych">https://www.gov.pl/web/dyplomacja/informacje-dla-podrozujacych</a>) and by official epidemiological and sanitary services (<a href="https://gis.gov.pl/aktualnosci/komunikat-dla-podrozujacych-nr-51-warszawa-18-marca-2020-r-opracowano-na-podstawie-danych-who-ecdc-i-cdc/">https://gis.gov.pl/aktualnosci/komunikat-dla-podrozujacych-nr-51-warszawa-18-marca-2020-r-opracowano-na-podstawie-danych-who-ecdc-i-cdc/</a>) with regard to mobility restrictions.</p> <p>Due to incidents of the coronavirus all around the world, the Polish authorities issued a recommendation to reconsider travel to all countries. Although these governmental recommendations are not legally binding and do not affect the employer's legal ability to send employees abroad, employers should reconsider travel needs and avoid sending employees to high-risk areas where possible. When the real necessity for the travel is considered, employers should take into account all possible measures against the coronavirus and how these measures can affect the employee on their travels and upon return (e.g. check current restrictions in Poland on international travel, border controls, right to re-entry for non-Polish citizens, or mandatory quarantine for those returning from abroad imposed as of 15 March 2020, by Polish authorities).</p> <p>As regards an employee's private time and private travel arrangements, an employer should not interfere with this sphere of employee's life and, so strictly should not even ask where to or where from an employee is travelling. The employer does not need to know that because as of 15 March 2020, almost everyone returning from abroad (irrespective of whether from a high-risk region or not) will be treated in the same manner and subjected to 14 days' mandatory quarantine upon their return.</p>
<p><b>In what circumstances are employees required to self-isolate/stay away from work?</b></p>	<p>Employees may be asked to isolate by sanitary authorities or medical practitioners in certain circumstances. The employer may not require them to self-isolate.</p> <p>Isolation will take place:</p> <ul style="list-style-type: none"> <li>• When an employee is a confirmed case or suspected of being sick</li> <li>• When an employee is subject to quarantine, i.e. physical isolation of a non-infected individual who had been exposed to a viral infection, in order to prevent the spread of particularly dangerous or infectious diseases; individuals are subject to quarantine pursuant to a decision issued by a sanitary inspector or medical practitioner</li> <li>• When an employee returned from any travel abroad (very limited exceptions apply) after 15 March 2020</li> </ul>

<b>Do employers have to pay an employee if they self-isolate?</b>	<p>An employee on sick leave or authority-ordered or statutory quarantine is entitled to sick pay/sickness benefit as per the applicable laws, i.e. sick pay is paid by the employer for the first 33 days (or 14 days for those over 50 years of age), then by the Social Insurance Institution (ZUS).</p> <p>If an employee self-isolates without a decision from a relevant authority/State order or medical practitioner, then no sick pay is due.</p>
<b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b>	<p>An employee may not refuse to report for work, unless they have reasonable grounds to believe that their workplace conditions do not satisfy the OHS regulations and so pose a direct threat to their life or limb, or if the nature of their work poses that risk to other individuals, in which case the employee needs to notify the employer of their decision not to attend work and the reasons for that. Mere fear of the disease without those grounds does not allow employees to withdraw from working.</p> <p>An employee may request leave of absence (e.g. holiday, unpaid leave) on their own initiative if, in a given period, they do not wish to work.</p> <p>In order to counteract COVID-19, an employer may order an employee to render work specified in an employment contract somewhere other than the usual place of work (i.e. remote work) for a specified period.</p>
<b>If staff want to wear facemasks at work, are employers entitled to say no?</b>	<p>Unsurprisingly, there are no legal provisions referring to that particular situation. The answer may depend on the type of business and employees' activity; however, health authorities do not encourage wearing facemasks by the general public.</p>
<b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b>	<p>In such a case, the health (sanitary) services will take appropriate measures, and both employees and employer must cooperate with them. In practice, co-workers are expected to be tested and quarantined.</p> <p>In such cases, a permanent closure of the workplace is not recommended unless instructed by the sanitary authorities. Often, the employer will be ordered to proceed with sanitizing of the premises before other staff are allowed to come back to work.</p> <p>The management team of the office will be contacted by the health authorities to discuss the case, identify people who may have been in contact with them and advise on any actions or precautions that should be taken. Staff who had been in touching contact or fewer than two metres away for over 15 minutes, or in close friendship groups or workgroups, may be asked to quarantine.</p>
<b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b>	<p>There is no particular manner of effecting lay offs specific to the event of an epidemic. In many circumstances, economic reasons constitute valid reasons under redundancy laws to lay off staff. Other options, like reduced working time or economic stoppage, may be available. The Polish government announced on 18 March, an outline of measures to support employers, employees and businesses and details of these programs are to be presented soon.</p> <p>Essentially, an employer is obliged to disburse remuneration (also to some limited extent in case of work stoppage) or sick pay (in the event of sickness or quarantine).</p>
<b>Key websites/sources of guidance</b>	<p>Polish governmental website: <a href="https://www.gov.pl/">https://www.gov.pl/</a></p> <p>State Sanitary Inspection: <a href="https://gis.gov.pl/en/homepage/">https://gis.gov.pl/en/homepage/</a></p> <p>State Labour Inspection: <a href="http://www.pip.gov.pl">www.pip.gov.pl</a></p>



## What are an employer's health and safety obligations in relation to its staff?

An employer has a statutory duty of care to provide employees with a safe and healthy (working) environment. For example, the employer must ensure that his employees will not come into contact with infected employees. An employer must inform the employees about taking hygiene measures (for example washing the hands with soap regularly) and precautionary measures, among other things, and about what they should do if they are possibly infected with the coronavirus. One precautionary measure is to issue an internal order on:

- temporary freeze on business trips to the countries indicated in the list approved by Department of Federal Service for Supervision in the Area of Protection of Consumer Rights and Human Welfare ("Rospotrebnadzor" or "RPN");
- discourage employees from travelling to a risk area and obligatory informing the employer, if the employee has travelled to a risk area;
- implementation of hygienic rules in the employer's premises.

Also, on the regional level, acts of the top officials of the regions were adopted, such as the Edict of the Mayor of Moscow of March 5, 2020 (the "Edict").

Please note that the Edict requires all employers operating within the Moscow city limits:

- to arrange for the workplace measurements of the employees' body temperature and mandatory removal from the workplace of individuals exhibiting elevated temperature;
- to assist the employees in complying with the self-isolation regime at home; and
- upon receiving a request from the RPN, to provide information on all contacts of an individual, who has been affected by the new coronavirus infection (COVID-19) in course of performing work functions, and to procure for the premises where the patient was present to be disinfected.

On March 14, 2020 a supplement to that Edict was published.

In accordance with that supplement, individuals become subject to the following duties:

Individuals who live during the period of self-isolation with people already subject to self-isolation regime, as well as with individuals in respect of whom isolation decisions have been issued by sanitary doctors, are required to stay in self-isolation at home for a period of 14 days or for the period specified in the relevant doctors' decisions.

Employers are required to prevent such people from coming to work.

As employers are not generally able to obtain information about cohabiting persons, it is recommended that employers issue an internal order to this effect, approximately in the following terms:

"In accordance with the Edict of Mayor of Moscow No. 12-um, as amended on March 14, 2020, we bring to your attention that:

If you live together with individuals who are in self-isolation or isolation, you are required to:

- Report this to the management
- Self-isolate yourself for the same period as those who live with you in self-isolation or isolation"

<b>Should employers place restrictions on their staff in terms of work-related international travel?</b>	This depends on the travel advice of the RPN. It should be considered whether the trip is absolutely necessary. Especially if instead of actual travel telephone conference meetings can be scheduled.
<b>In what circumstances are employees required to self-isolate/stay away from work?</b>	<p>Under the Edict, the employee is obliged to report to the Moscow hotline on +7 495 870 4509 on his/her arrival from abroad.</p> <p>The RPN and the Edict advised that in case of self-isolation, an individual should not visit the hospital; the employee needs to contact the doctor by phone, who will visit him/her at home. Courier will deliver the sick leave certificate to the employee who is under self-isolation regime.</p> <p>On March 23, 2020, the Mayor of Moscow and the Governor of the Moscow Region issued a supplementary Edict requiring individuals over 65 years of age and individuals with chronic diseases to self-isolate from March 26, 2020 to April 14, 2020. The list of chronic diseases is an exhibit to the Edict. The list includes, inter alia, such diseases as bronchial asthma, malignant neoplasms, kidney disease, diabetes and others.</p> <p>To compensate for the additional costs of the above category of citizens, those individuals will be paid lump sum equal to 4,000 RUR in Moscow, and 3,000 RUR in the Moscow Region.</p>
<b>Do employers have to pay an employee if they self-isolate?</b>	<p>The sick leave will be fully paid by the state on the basis of a sick leave certificate.</p> <p>The amount is capped and depends on an employee's seniority. For 2020, the average daily amount of sick pay is capped at RUR 2,301.37.</p> <p>If the sick leave allowance payable to an employee is less than the employee's average salary, the employer may (but is not obliged to) pay the difference between the statutory sick leave amount and the employee's average salary.</p>
<b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b>	If the fear of infection is the only reason for refusal (so there is no realistic risk of infection), and the absence from work is not supported by a medical sick leave certificate, the employer can decide not to pay wages during the period that the employee refuses to work. In this situation, the employer can also consider first giving a warning to the employee that this will be a likely consequence. Under very specific circumstances, dismissal can be a possible sanction when an employee refuses to attend work without good reason.
<b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b>	No.
<b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b>	If a member of staff is confirmed as having the virus, the regional division of RPN will contact the employer. The employer must, upon request from the RPN, provide information on all work contacts of an individual affected by the coronavirus, and procure that the premises where the patient was present are disinfected, and follow any further instructions provided by RPN.

<p><b>If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off staff in these circumstances? Are they obliged to continue to pay them?</b></p>	<p>With regard to lay off, it appears that the general rules of redundancy are applicable.</p> <p>Under Article 72.2 of the Labour Code, in the event of a natural or man-made catastrophe, famine, earthquake, epidemic and in any extraordinary cases endangering the life or normal living conditions of the whole population or a part thereof, an employee may be transferred without their consent for up to one month to a job that is not stipulated by the employment contract to work for the same employer for the purpose of preventing such events or mitigating the effects thereof.</p> <p>Where such a transfer takes place, the employee shall be paid for the work they perform at a rate not below the average earnings in their previous job.</p> <p>In accordance with Article 83 of the Labour Code of Russia, an employment contract is subject to termination for reasons beyond control of the parties:</p> <ul style="list-style-type: none"> <li>• Where occurrence of emergency conditions prevent the employment relationship from being continued (military hostilities, catastrophe, natural disaster, major accident, epidemic and other emergency events), and this event has been recognized as such by a resolution of the Government of the Russian Federation or a governmental authority of the relevant constituent member of the Russian Federation.</li> </ul> <p>It is important to emphasize that, to be able to terminate an employment contract, two circumstances need to be present simultaneously: (1) official declaration of an emergency situation, and (2) that situation prevents, i.e. makes realistically impossible, the continuation of the employment relationship. Because of the necessarily extreme nature of the circumstances concerned, Russian court decisions are limited to a few cases involving the termination of the employment for this reason. Therefore, it is not possible to evaluate definitively the risks to employers in such case.</p> <p>It is our provisional view that the coronavirus would not fall within Article 83 as matters stand.</p>
<p><b>Key websites/sources of guidance</b></p>	<p><a href="https://rospotrebnadzor.ru">https://rospotrebnadzor.ru</a></p> <p><a href="https://www.mos.ru">https://www.mos.ru</a></p> <p><a href="https://mosgorzdrav.ru/ru-RU/news/default/card/3581.html">https://mosgorzdrav.ru/ru-RU/news/default/card/3581.html</a></p>



<b>What are an employer's health and safety obligations in relation to its staff?</b>	<p>Employers have a duty to ensure the health and safety of their employees and non-employees (e.g. contractors, members of the public, etc.) so far as reasonably practicable. This would include taking reasonable steps to control the spread of the coronavirus at sites under the control of the employer. Employers should carry out a risk assessment and then implement reasonably practicable control measures to either eliminate or mitigate the coronavirus hazard. From a practical perspective, we would recommend that employers:</p> <ul style="list-style-type: none"><li>• Ensure staff are aware of the symptoms and the latest advice on how to minimise the risk of infection.</li><li>• Implement a reporting procedure for anyone with symptoms.</li><li>• Implement a reporting procedure for individuals who have recently visited high-risk areas, such as China, South Korea, Northern Italy, etc. This may mean that staff have to self-isolate if they have returned from a high-risk area (see below for further guidance).</li><li>• Make individuals aware of the latest government guidance.</li><li>• Ensure any control measures identified by the risk assessment are aligned with the government's advice.</li><li>• Keep abreast of latest advisories from Ministry of Manpower (MOM) and Ministry of Health and ensure implementation.</li></ul> <p>Employees are under a legal obligation to cooperate with their employer and other duty holders to enable them to comply with health and safety legislation.</p>
<b>Should employers place restrictions on their staff in terms of work-related international travel?</b>	<p>As at 4 March 2020, the Ministry of Manpower (MOM) advised travellers to defer all travel to Hubei province (China) and to defer non-essential travel to mainland China, South Korea, Iran, Japan and Northern Italy. In light of this, employers should clearly avoid sending staff to affected areas for the foreseeable future for work-related purposes, where possible.</p> <p>Further, new visitors with travel to mainland China, Iran, Northern Italy and South Korea within the last 14 days are not allowed entry to Singapore or transit through Singapore. As such, if employers send their workers to these locations, they may not be able to get back into Singapore. It is time to make use of videoconferencing/ Skype facilities, etc.</p> <p>It is also worth noting that if an employee falls sick/gets infected due to work-related travel (especially where it was not strictly necessary), they may be able to make a claim under the Work Injury Compensation Act or sue the employer for breach of duty of care.</p>



**In what circumstances are employees required to self-isolate/stay away from work?**

The Singapore government has a two-tier protection mechanism to minimise the risk of spreading the infection. Potentially infected individuals are either issued a quarantine order (QO) or a Stay at Home Notice (SHN).

An individual who is or is suspected to be a carrier of an infectious disease will be issued a QO, a legal order issued to individuals under the Infectious Diseases Act and, thus, with severe penalties for non-compliance. Currently, Singapore Citizens, Permanent Residents and work pass holders returning from Hubei province in China will be automatically quarantined.

All Singapore residents (Singapore Citizens and Permanent Residents) and long-term pass holders (including work passes, permits, Student's Pass, Dependant's Pass and Long-term Visit Pass) with travel to mainland China (outside of Hubei), Iran, Northern Italy or South Korea within the last 14 days will be put on a 14-day SHN.

Neither QO nor SHN are optional measures, and employers are required to follow the process. MOM has taken a very strict stance toward employers who failed to follow the QO and SHN requirements and, in some cases, have stripped away work pass privileges of employers in Singapore.

Besides the above, if an employee develops symptoms of a cough, fever or shortness of breath, however mild, the employer should require them to work from home until their position is clarified.

As a general rule, employers should not arbitrarily require staff to stay away from work. Taking any steps to force them to do so (even if under pressure from other members of staff) may amount to a breach of the implied term of trust and confidence. Employees may be willing to work from home for a period of time (the incubation period for the virus is estimated to be between two and 14 days), but employers should be very careful about how they approach such conversations so as not to put themselves at risk of a claim.

<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>There is no legal provision but the MOM has issued various advisories and guidelines.</p> <p>If an employee is served with a QO by the MOM, the period of absence from work required by it should be treated as paid hospitalisation leave, as part of the employee's hospitalisation leave eligibility.</p> <p>For employees on SHNs (because of recent travel to affected areas), and where working from home is not possible, employers are encouraged to provide additional paid leave on top of employees' annual leave entitlements (though this is not a strict legal obligation).</p> <p>It may be noted that employers have duty to provide food and daily necessities for employees on SHN.</p> <p>Employers can consider the following options, or a combination of them, for the employees:</p> <ul style="list-style-type: none"> <li>• Treat employees' leave of absence as paid hospitalization leave or paid outpatient sick leave.</li> <li>• Allow employees to use their annual leave.</li> <li>• Allow employees to use advanced paid leave or apply for unpaid leave where they have used up their leave entitlements.</li> <li>• Or other mutually agreed arrangements between the employers and employees/unions.</li> </ul> <p>Eligible employers who provide additional paid leave to their employees on SHN or treat the period of SHN as paid hospitalisation leave are able to apply for assistance under the SHN Support Programme introduced by the government to support businesses, along with foreign worker levy waiver for the SHN period. Under the programme, eligible employers receive US\$100 daily per affected employee for the duration of the SHN imposed and these employers automatically qualify for levy waiver for affected foreign workers.</p> <p>It would clearly be best practice to pay employees their normal pay in these circumstances, and we note that some large employers have already adopted this approach, not least because otherwise employees may try to come into work, putting others at risk. We would, however, recommend that employers take specific advice on this issue before agreeing to anything, as there may be circumstances where it is not appropriate to adopt/continue with this approach. It may also lead to "copycat" absences once employees are aware that company policy is that they will be paid as normal when absent due to self-isolation.</p> <p>If an employee is able to work from home, this makes things simpler, as the employer should allow this and continue to pay the employee as normal. We recognise that this will not be practicable for all employees.</p>
<p><b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b></p>	<p>An employer should take steps to understand an employee's concerns before taking any action, especially if they may be at greater risk from developing the coronavirus or more likely to be seriously affected by it.</p> <p>If an employee reasonably refuses to attend/travel to an unsafe site, the employer may treat it as part of annual leave or if annual leave has been exhausted, as unpaid leave. A site may be seen as unsafe if there have been a number of cases of coronavirus at it and/or if the employer is not carrying out any visible, preventative or precautionary measures against it. Where there is no particular reason to see a site as unsafe, then the absence may be treated as unauthorised.</p> <p>We would recommend taking specific advice for this situation, as there may be risk exposure to the employer if the employee falls sick/gets infected at the premises. If that happens, they may be able to make a claim under the Work Injury Compensation Act or sue the employer for breach of duty of care.</p>

<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>The current advice from the government is that employees are not recommended to wear facemasks to protect against the virus. It recommends that facemasks are only required to be worn by “symptomatic” individuals (as advised by a healthcare worker) to reduce the risk of transmitting the infection to other people. Similarly, the latest <a href="#">advice</a> from the World Health Organization (WHO) is that people only need to wear facemasks if they are treating someone who is infected with the coronavirus.</p> <p>If staff are concerned about contracting the virus, they should follow normal best practice about reducing the risk of infection, e.g. washing hands frequently, not touching their face, disposing of tissues, etc. However, if an employee insists on wearing mask, unless there is a reasonable cause for not letting them do it, the employee may wear the mask; the employer should not ask the workers not to do so.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off staff in these circumstances? Are they obliged to continue to pay them?</b></p>	<p>While there is no restriction in making employees redundant in a situation where a business site is being closed, MOM encourages employers to carry out responsible retrenchment. The employer may consider reduced workdays or alternate work arrangements for employees. If that is not possible, it should strive to provide the longest possible retrenchment notice period. Certain categories of employees under the Employment Act may be able to claim retrenchment benefit. For other employees, although it is encouraged, it is not mandatory for an employer to pay retrenchment benefits.</p>
<p><b>Key websites/sources of guidance</b></p>	<p>Stay up to date with the latest guidance – the situation is obviously changing quite quickly, so employers should ensure they stay up to date with the latest government guidance and advice from public health agencies. Links to key websites are provided below:</p> <p>The government’s guidance on business continuity planning: <a href="https://www.enterprisesg.gov.sg/-/media/esg/files/media-centre/media-releases/2020/jan-2020/guide-on-business-continuity-planning-for-wuhan-coronavirus.pdf">https://www.enterprisesg.gov.sg/-/media/esg/files/media-centre/media-releases/2020/jan-2020/guide-on-business-continuity-planning-for-wuhan-coronavirus.pdf</a></p> <p>This contains useful advice for employers to continue carrying on business while mitigating risk of exposure.</p> <p>General advisory for workplaces and frontline workers in response to confirmed cases of local transmission of Coronavirus Disease 2019 in Singapore: <a href="https://www.mom.gov.sg/covid-19/general-advisory-for-workplaces-and-frontline-workers">https://www.mom.gov.sg/covid-19/general-advisory-for-workplaces-and-frontline-workers</a></p> <p>General advisory for workplace measures in response to DORSCON Orange situation in Singapore: <a href="https://www.mom.gov.sg/covid-19/general-advisory-for-workplace-measures">https://www.mom.gov.sg/covid-19/general-advisory-for-workplace-measures</a></p> <p>General advisory for employers if a confirmed or suspect case of COVID-19 is detected at the workplace: <a href="https://www.mom.gov.sg/covid-19/general-advisory-for-confirmed-or-suspect-case">https://www.mom.gov.sg/covid-19/general-advisory-for-confirmed-or-suspect-case</a></p>



<b>What are an employer's obligations from a health and safety perspective in relation to their staff?</b>	<p>The employer is obliged to ensure employees' occupational health and safety. According to the Slovak Health and Safety Act, employers are obliged to apply general prevention rules when implementing measures necessary for ensuring occupational health and safety, including the provision of information, education and the organisation of work and resources.</p> <p>In order to ensure occupational health and safety at work, the employer must take adequate and necessary measures. This includes taking precautions necessary to control the spread of COVID-19 (coronavirus) at the workplace. Given the nature of the coronavirus, prevention is essential. Therefore, the easiest way to mitigate the coronavirus hazard is to inform and educate employees about the virus, its symptoms and prevention.</p> <p>The employer can (i) <b>enhance hygiene at the workplace</b> (ensure hand hygiene supplies are available, clean and disinfect frequently-touched surfaces daily, provide additional protective equipment such as protective masks or respirators); (ii) <b>encourage personal protective measures among employees</b> (limit large work-related gatherings or in-person meetings, limit business related travel, consider the scope for remote working and regular health checking, require employees to stay home in case of symptoms of illness); (iii) <b>inform employees of relevant information introduced by governmental and public authorities</b> (Central Emergency Staff of the Slovak Republic, Public Health Authority of the Slovak Republic, Ministry of Interior of the Slovak Republic).</p>
<b>Should employers place restrictions on their staff in terms of work-related international travel?</b>	<p>In general, the employer may send an employee on business-related travel for a necessary period of time only if an employee agrees with it or if the possibility of being sent on business-related travel is agreed in the employment contract.</p> <p>Due to incidents of the coronavirus around the world, the Ministry of Foreign and European Affairs of the Slovak Republic (Ministry of Foreign Affairs) issued a recommendation to reconsider travel to the countries where the coronavirus is particularly prevalent. Although these governmental recommendations are not legally binding and it is still possible to send employees abroad (subject always to the employee's consent), employers should avoid sending employees to high-risk areas where possible. When business travel is considered unavoidable, employers should take into account all possible measures against the coronavirus and how these can affect the employee on their travel and return (e.g. mandatory quarantine).</p>

<p><b>In what circumstances are employees required to self-isolate/stay away from work?</b></p>	<p>Because this may change on a daily basis, employers are advised to always check the latest advice.</p> <p>Only the Public Health Authority may order quarantine. Therefore, neither the employer nor a general doctor can do so. As of 13 March 2020, the Public Health Authority adopted certain measures, including mandatory quarantine. <b>Everyone returning to the Slovak Republic from abroad and those living with them in common households</b> are obliged to remain <b>in quarantine for 14 days</b>. Immediately after returning, they are obliged to notify their general doctor by phone or email. The doctor will certify them as temporarily incapacitated for work. Breach of mandatory quarantine is punishable by a fine of up to €1,659.</p> <p>Mandatory quarantine does not apply for certain categories of employees, e.g. drivers of freight services, train drivers entering the territory of the Slovak Republic for the purpose of transporting, loading and unloading goods, pilots of cargo planes, etc.</p> <p>Where an employee returned before 13 March 2020, they are not obliged to follow the mandatory quarantine rules. Irrespective of that, they should closely monitor their health for at least 14 days afterwards and, if there are any respiratory symptoms, should call their general doctor without any delay. Should the employee test positive for coronavirus, they will be certified as incapable of work and quarantined.</p> <p>Taking into consideration the incubation period of COVID-19, the employer may adopt precautionary measures in order to protect health and safety at its workplace:</p> <ul style="list-style-type: none"> <li>• Agree with an employee on remote working (<b>home office</b>), if possible. Under Slovak Labour Law, the employer cannot force its employees to work from home.</li> <li>• Agree with an employee on taking <b>holiday</b>, if possible (in general, the employer will be not allowed to order short-notice holiday unilaterally, as it is obliged to inform the employee of the scheduled holiday at least two weeks ahead).</li> <li>• Grant <b>leave</b> with wage compensation, which the employee will then work over time.</li> <li>• Not assign work to any "risk employee" (for reasons attributable to the employer). The employer may prevent a "risk employee" from performing work at the workplace even if they are not displaying any symptoms (e.g. fever, cough, difficulty breathing, muscle pain, headache, fatigue) at the time.</li> </ul>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>Where an employee is in mandatory quarantine or has been positively tested for coronavirus, they are entitled to <b>standard sick pay</b>. Such payment is provided by the employer (i) for the first three days not worked in the amount of 25% of their daily assessment base; (ii) from day four to day 10 in the amount of 55% of their daily assessment base. Should the incapability for work exceed 10 days, Social Insurance Company will pay from day 11 until week 52 at 55% of their daily assessment base.</p> <p>If the employer agreed with the employee on remote working, they are entitled to full wages or salary for that period.</p> <p>If the employer bans a "risk employee" from coming to work to prevent possible spread of the coronavirus, the employer is obliged to provide the employee with full pay.</p>

<p><b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b></p>	<p>If there is <b>no immediate threat to the life or health</b> of the employee (especially if there have been no cases in their specific workplace), the employee is obliged to perform the work. If the employee did not come to work or otherwise justify their absence, this would result in a breach of the employee's basic duty – to be at the workplace at the beginning of working hours, to use working hours for work and to leave after working hours – and, therefore, to unexcused absence. It is worth noting that repeated unjustifiable absence from work may be considered a serious breach of discipline which entitles the employer to terminate the employment with immediate effect.</p>
<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>In light of the current pandemic situation in the Slovak Republic, it is unlikely to be reasonable for an employer to ban the wearing of facemasks, especially if some of the employees may be at greater risk of developing the coronavirus through their age or pre-existing health conditions. The employers should take steps and understand an employee's concerns before taking action. Therefore, employees who wish to do so should be allowed to wear facemasks.</p>
<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>The Slovak authorities have not provided employers with any instructions or recommendations on how to proceed if coronavirus cases are confirmed at the workplace, especially where there are high concentrations of employees and/or where remote working cannot be effective.</p> <p>Employers should follow best practice guidance against the spread of the virus. It is recommended that they identify other employees who have been in contact with the infected one and encourage them to self-isolate by remote working or holiday. Employers can consider additional precautions, such as the <b>reduction of social contact at the workplace</b> (e.g. limit in-person meetings, reduce concentration of employees in the canteen during the lunch break), <b>disinfection and "deep clean" of affected workplace areas</b>, and <b>preparation of a comprehensive contingency plan for all foreseeable future scenarios in advance</b>. Additionally, the employer can consider <b>regular health checks</b> (e.g. temperature and respiratory symptom screening) under certain conditions.</p> <p>The Public Health Authority or regional health authorities will undertake the risk assessment and impose the appropriate measures. In the worst-case scenario, they can, for example, order deep cleaning and decontamination of terrain, buildings, materials and means of transport, or prohibit or restrict the operation of facilities in which people are gathered.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off staff in these circumstances? Are they obliged to continue to pay them?</b></p>	<p>If the situation worsens and the employer decides to close its operation, such situation will be considered as a business-related reason and the employee would be entitled to reimbursement of their average monthly earnings.</p> <p>Where the employer has defined in a written agreement with the employee representatives serious operational reasons for which the employer is unable to assign work to an employee, this would count as a reason attributable to the employer and the employee would be entitled to wage compensation in the amount determined in the agreement, which shall be no less than 60% of their average earnings.</p>



<b>Measures to prevent the spread of coronavirus in the Slovak Republic</b>	<p>On 11 March 2020, the Slovak Republic declared an “extraordinary situation” in the territory of the Slovak Republic, with the effective date as of 12 March 2020.</p> <p>The Slovak authorities adopted the following precautionary measures in relation to COVID-19:</p> <p>(i) As of 13 March 2020:</p> <ul style="list-style-type: none"> <li>• Closure of all international airports (Bratislava, Košice, Poprad) in the Slovak Republic</li> <li>• Closure of bars, leisure facilities and premises (ski centers, wellness centers, fitness centers, amusement parks and aqua parks)</li> <li>• Limitation of customer centres’ opening hours</li> <li>• Prohibition of visits in hospitals</li> <li>• Prohibition of sporting, cultural, social and other mass events</li> <li>• Closure of schools, educational establishments, social and culture establishments for 14 days (from 16 March)</li> <li>• Introduction of medical checks on borders with only certain border crossings being open and Slovak nationals and residents being permitted entry</li> </ul> <p>(ii) As of 16 March 2020:</p> <ul style="list-style-type: none"> <li>• Closure of small retail shops and service providers, with the exception of grocery shops, pharmacies, chemists, petrol stations, newsagents, veterinary ambulances, shops selling animal food, mobile phone operator’s stores, banks and post offices, e-shops and delivery services</li> <li>• Limitation of operation of full service and fast food restaurants – they can be open, but only for take away or delivery</li> </ul> <p>The Ministry of Transport and Construction of the Slovak Republic adopted additional measures for international transport.</p> <p>Railway and Bus Transport</p> <ul style="list-style-type: none"> <li>• International trains and bus transport ceased to operate as of 13 March.</li> </ul> <p>Truck Transport of Goods</p> <ul style="list-style-type: none"> <li>• Freight transport is permitted for domestic, as well as international routes to provide supplying services. Truck drivers must be equipped with protective equipment.</li> </ul> <p>Maritime Transport</p> <ul style="list-style-type: none"> <li>• Passenger cruise vessels have not been allowed to enter a harbour in the Slovak Republic since 13 March. They can still sail through the territory without stopping.</li> </ul>
<b>Key websites/sources of guidance</b>	<p><a href="#">Ministry of Foreign and European Affairs of the Slovak Republic</a></p> <p><a href="#">Ministry of Health of the Slovak Republic</a></p> <p><a href="#">Public Health Authority of the Slovak Republic</a></p>



# Spain

Last updated: 23 March 2020

<p><b>What are an employer's health and safety obligations in relation to its staff?</b></p>	<p>Employers have a duty to ensure the health and safety of their employees and other persons related to the company (e.g. clients, providers, etc.) against occupational risks. This would include taking reasonable steps to control the spread of the coronavirus at sites under the control of the employer.</p> <p>Employees are under a legal obligation to cooperate with their employer and other duty holders to enable them to comply with health and safety legislation.</p> <p>Taking this into account, teleworking is a priority to reduce the need for any temporary suspension or reduction of activity. In such a scenario, employers may be required to provide the employee with any additional supplies or equipment necessary to facilitate home working.</p> <p>In order to facilitate teleworking, the obligation to carry out a risk assessment will be treated as fulfilled through a self-assessment made by the employee of their own home workspace.</p>
<p><b>Should employers place restrictions on work-related international travel?</b></p>	<p>Yes, companies could place restrictions on business travels and displacements in order to guarantee the health and safety of their employees.</p> <p><b>International Travel</b></p> <p>Areas currently classified as high-risk with evidence of community transmission are China, South Korea, Japan, Singapore, Iran and Italy.</p> <p>Furthermore, the Spanish government, following WHO recommendations, has implemented additional restrictions on travel.</p> <p><b>Domestic Travel</b></p> <p>In addition to the above, following the declaration of Sanitary Emergency Status (<i>Estado de Alarma</i>) approved by the Spanish government by Royal Decree 463/2020, which came into effect 14 March 2020, mobility is forbidden except for individual displacements limited to "essential activities". Essential activities are the purchase of food, medicine, the access to health centres or financial institutions, return to official residence or assistance to at-risk people. Movement of citizens to their workplaces is permitted, but must be duly proved.</p>
<p><b>In what circumstances are employees required to self-isolate?</b></p>	<p>Employers can require employees to telework if the measure is "rational", meaning that it is based on well-founded concerns about infection (employees who have been in contact with people suffering coronavirus or have been in high-risk areas) and the measure is limited in time (the incubation period lasts 14 days). The employer may be required to provide any additional supplies or equipment necessary to facilitate home working.</p>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>To ensure the protection of employees during such periods of isolation, according to the Royal Decree-Law 6/2020, during self-isolation periods, infected employees should be treated as if they are temporarily disabled as a result of an accident at work. This means that the affected employee will receive a public sick leave benefit equivalent to 75% of his monthly social security contribution base.</p> <p>The monthly social security contribution base is usually equivalent to the employee's regular monthly salary, but with a cap of €4.070,10. Therefore, employees whose monthly salary is above €4.070,10 will only receive from the state a maximum of €3,052.27 (75% of €4.070,10).</p> <p>Furthermore, consider whether any relevant Collective Bargaining Agreements (CBA) impose an obligation on the company to supplement the public sick leave benefit.</p>

<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>To ensure the protection of employees during such periods of isolation, according to the Royal Decree-Law 6/2020, during self-isolation periods, infected employees should be treated as if they are temporarily disabled as a result of an accident at work. This means that the affected employee will receive a public sick leave benefit equivalent to 75% of his monthly social security contribution base.</p> <p>The monthly social security contribution base is usually equivalent to the employee's regular monthly salary, but with a cap of €4.070,10. Therefore, employees whose monthly salary is above €4.070,10 will only receive from the state a maximum of €3,052.27 (75% of €4.070,10).</p> <p>Furthermore, consider whether any relevant Collective Bargaining Agreements (CBA) impose an obligation on the company to supplement the public sick leave benefit.</p>
<p><b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b></p>	<p>The absence will only be justified if a medical service orders the employee to self-isolate.</p> <p>Therefore, if an employee has not been isolated by an authorised body or at the request of the employer, e.g. after a business trip to a high-risk area, the absence would be unjustified and the employer could apply disciplinary measures. Nevertheless, the employer should take steps to understand an employee's concerns before taking any action.</p> <p>In the undesirable event that coronavirus spreads such that there is real reason to suspect infection in that particular workplace and immediate legislative measures are not adopted, employees may invoke the risk to their health established in Article 21.2 of the Law on the Prevention of Occupational Risks to justify their absence from work.</p>
<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>According to the recommendations of the Ministerio de Sanidad, generally healthy people do not need to wear facemasks, so employers in the majority of circumstances can object to the wearing of them. They may agree to some flexibility on this in relation to the elderly or those with pre-existing conditions that put them at greater risk of harm than would normally apply.</p> <p>If staff are concerned about contracting the virus, they should follow normal best practice about reducing the risk of infection, including washing hands frequently, etc.</p>
<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>In such circumstances, the employer, together with the Health and Safety Prevention Service, must activate any protocol implemented in the company.</p> <p>The Spanish government has not recommended closing workplaces, so the normal activities of the company must continue, but they should follow best practice guidance against the spread of the virus. This may include temporary suspension or transfer of staff during sanitisation, etc.</p> <p>Employees who have contracted the virus will be considered on sick leave due to accident at work.</p>

**If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?**

According to Article 47 of the Workers' Statute, employers can apply for a temporary employment suspension (ERTE) or a reduction of working hours if there are good economic, technical, organisational, productive or force majeure reasons for doing so. In normal circumstances, this process would include a consultation period.

In the current circumstances, a large number of companies can apply for an urgent process based on force majeure reasons. The urgent process is more simple and straightforward and is governed by the new Royal Decree-Law 8/2020. This has clarified which situations are considered force majeure:

- Loss of activity resulting from measures taken as a consequence of COVID-19, including the declaration of the state of emergency, involving the suspension or cancellation of activities
- Lack of supplies that prevent the continuation of the activity
- Urgent and extraordinary situations due to staff infection
- Adoption of preventive isolation measures issued by the health authority

Regarding the procedure to apply:

- It is initiated by an application from the company, accompanied by a report on the causation of the loss of activity as a result of COVID-19 and, where appropriate, the corresponding supporting documentation.
- The company must communicate its request to the employees and provide a copy of that report and supporting documentation to the workers' representatives.
- The Labour Authority will issue a resolution within five days, and its resolution will be limited to verify the existence, when applicable, of the alleged force majeure.
- The Labour Authority may decide to request a supporting report from the Labour and Social Security Inspectorate, which will also be issued within five days.
- The company is entitled to decide the applicable measure in relation to the suspension of employment contracts or reduction of working hours, which will take effect from the date of the event causing the force majeure.

The recent declaration of State of Emergency (*Estado de Alarma*) approved by the Spanish government by Royal Decree 463/2020 of March 14, implies a clear force majeure scenario in many of the business activities that will suffer an impact as a result of this virus. This is particularly clear in certain sectors, including retail, given that only the shops selling the following items and/or providing the following services may remain open:

- Food and beverages
- Pharmaceuticals, medical, optical and orthopaedic products
- Motor fuel
- Hygiene products in general
- Press, stationery, tobacco, technological and telecommunication equipment, pet food, internet or telephone related products
- The national post and private courier companies
- Hairdressing, dry cleaning and laundry services

Restaurant activities have been suspended, with the exception of food delivery services. Likewise, all types of libraries, monuments and premises and establishments where public shows, sports and leisure activities take place will remain closed. Any other activity or establishment that, in the opinion of the Authority, may involve a risk of infection is also suspended.

	<p>If the existence of the alleged force majeure has not been established, the appropriate procedure for the suspension of contracts for economic, technical, organisational and productive reasons may also be initiated under the Royal Decree-Law 8/2020.</p> <p>The suspension of the employment contract in accordance with the provisions of Article 45.2 of the Workers' Statute, "exonerates from the reciprocal obligations to work and to remunerate work". However, in general, companies were not exempted from paying the employer's social security contributions during the ERTe.</p> <p>Nevertheless, Royal Decree-Law 8/2020 has established that, in the event of an ERTe due to temporary force majeure linked to COVID-19, the Social Security General Treasury will exempt the company from payment of the company's contribution, as well as the contributions for joint collection, for the duration of the suspension or reduction of working hours where the company,</p> <ul style="list-style-type: none"> <li>• on 29 February 2020, had less than 50 employees registered with the Social Security; or</li> <li>• if the company had 50 or more employees registered with the Social Security, the exemption from the obligation to contribute will be 75% of the company contribution.</li> </ul> <p>This exemption will not have any effect on the employee, and the period will continue to be considered as effectively contributing for all purposes.</p> <p>The exemption from contributions will be applied by the Social Security Treasury at the request of the employer, after notification of the identification of the employees and the period of suspension or reduction of working hours.</p> <p>The obligation to pay contributions on behalf of employees is also suspended during this situation as they are paid by the public unemployment services.</p> <p>Suspended employees can access unemployment benefits during this situation.</p> <p>In some cases, companies may wish to supplement the unemployment benefit partially or totally up to the total salary of the employee, although this would not be mandatory, particularly in an ERTe due to force majeure where there is no negotiation with the employees.</p> <p><b>Ordinary Suspension of employment process (ERTe) Based on Economic, Technical, Organisational or Productive Reasons</b></p> <p>In this case, the procedure would be regulated by Title I of Royal Decree 1483/2012 of 29 October, which approves the regulation on procedures for collective dismissal and the suspension of contracts and reduction of working hours, with the modifications established in the new regulation.</p> <p>a. If there are no workers' representatives, the representative committee for negotiation shall be made up of the most representative trade unions and representative trade unions in the sector which are entitled to sit on the collective agreement negotiating committee. The committee shall be made up of one person from each union and decisions will be taken by majority vote.</p> <p>If no representative committee is constituted, it will be made up of three employees instead, elected in accordance with Article 41.4 of the Workers' Statute.</p> <p>In any case, the committee must be set up within five days.</p> <p>b. The consultation period must not exceed seven days.</p> <p>c. Any report of the Labour and Social Security Inspectorate, requested by the Labour Authority, will be issued within seven days.</p>
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	<p>Keep in mind that these are temporary measures that can only be maintained for as long as the risk situation lasts. If the company returns to normal activity, the measure must be deactivated.</p> <p>The suspension of the employment contract in accordance with the provisions of Article 45.2 of the Workers' Statute, "exonerates from the reciprocal obligations to work and to remunerate work". In this case of "ordinary" ERTE the obligation to pay the employer's social security contributions remains in force.</p> <p>The obligation to pay contributions on behalf of employees is suspended during this situation, as they are paid by the public unemployment services.</p> <p>Suspended employees can enjoy unemployment benefits during this situation.</p> <p>In some cases, companies may wish to supplement the unemployment benefit partially or totally up to the total salary of the employee, although this would not be mandatory, particularly in an ERTE due to force majeure where there is no negotiation with the employees.</p>
<b>Key websites/sources of guidance</b>	<p>Employers must follow the guidance published by the Ministerio de Trabajo y Economía Social.</p> <p>More updated information can be found on the official webpage of the Ministerio de Sanidad.</p> <p>Take also into consideration the <a href="#">Royal Decree 463/2020</a> and the <a href="#">Royal Decree-Law 8/2020</a>.</p>



<b>What are an employer's health and safety obligations in relation to its staff?</b>	<p>Onshore employers have an obligation to provide workers "with adequate protection means against hazards of occupational injuries and diseases that may occur during the work". Employers in the DIFC and ADGM have a general duty to ensure the health, safety and welfare of their employees at work, so far as is reasonably practicable.</p> <p>These health and safety duties would extend to taking reasonable steps to control the spread of COVID-19 at sites under the control of the employer. Employers should, therefore, carry out a risk assessment and implement reasonably practicable control measures to either eliminate or mitigate the virus hazard. From a practical perspective, we would recommend that employers:</p> <ul style="list-style-type: none"> <li>• Allow employees to work from home, where possible, in line with the latest government guidance.</li> <li>• Ensure staff are aware of the symptoms and the latest advice on how to minimise the risk of infection.</li> <li>• Implement a reporting procedure for anyone with symptoms of COVID-19 or who has been in contact with a suspected or confirmed case. Employees may be reluctant to self-report if they think that such reporting will adversely affect their pay or work. Therefore, you may wish to consider making some assurances to employees to encourage reporting.</li> <li>• Implement a reporting procedure for individuals who have travelled, or are travelling, outside the country, although, as outlined further below, it is becoming increasingly difficult for anyone to travel outside of the UAE due to the recently announced travel restrictions and flight suspensions.</li> <li>• Make individuals aware of the latest government guidance.</li> </ul> <p>Things are changing very quickly and, therefore, employers need to constantly review the risk assessment to ensure that any control measures are aligned with the government's latest advice.</p>
<b>Should employers place restrictions on work-related international travel?</b>	<p>The UAE has now effectively closed its borders until further notice, with the following restrictions now in place:</p> <ul style="list-style-type: none"> <li>• UAE national citizens have been banned from travelling overseas and those currently overseas have been advised to return to the UAE.</li> <li>• UAE residents who are currently out of the country will not be able to enter the UAE for a period of two weeks commencing at noon on 19 March 2020, although this period may be extended.</li> <li>• All visas on arrival have been suspended until further notice.</li> <li>• The issuance of all entry visas has been suspended with effect from 17 March 2020 and those entry visas issued prior to 17 March 2020 are no longer valid. In addition, the Ministry of Human Resources and Emiratisation has suspended the issuance of any new work permits for individuals currently located outside of the country. This means that employers will not be able to hire any new employees from outside the country, including those who have already been issued with an entry visa, until further notice. The authorities have advised that the current restrictions will not prevent the issuance of new work permits/entry visas if the individual is already in the UAE and the change of status is completed in the country.</li> <li>• The suspension of passenger flights in and out of the country with effect from midnight on Wednesday 25 March 2020, although some repatriation flights for UAE citizens may continue.</li> </ul> <p>The new restrictions mean that only Emirati citizens who were overseas prior to the travel ban will be able to continue to enter the UAE until further notice. In light of the above restrictions, employers have no choice but to suspend all overseas work-related travel until the restrictions are lifted.</p>

<p><b>In what circumstances are employees required to self-isolate?</b></p>	<p>On 18 March 2020, the UAE authorities advised that all individuals who arrive in the UAE will be required to undergo 14 days of mandatory self-quarantine from the date of arrival and that a failure to comply with the quarantine restrictions will constitute a criminal offence. However, given the new restrictions on entry into the UAE, there will not be any arrivals into the UAE in the coming weeks, except for UAE nationals returning from overseas. Those who entered the UAE around 18 March 2020 are required by law to self-quarantine.</p> <p>In order to contain the spread of the virus, the authorities have also requested the public to self-isolate and to only leave their homes in cases of absolute necessity, such as to obtain essential supplies and medicine and to attend work. The authorities have also requested people to work from home where possible and many employers are now implementing work from home arrangements for staff, where this is practical.</p> <p>An individual will be required to undergo a period of quarantine, whether at home or in a health facility, in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where they are suspected to have the virus but a diagnosis has not yet been confirmed</li> <li>• Where they have tested positive for the virus</li> <li>• Where they have been in contact with someone diagnosed with the virus or who is suspected to have the virus, but a diagnosis has not yet been confirmed</li> </ul> <p>The Ministry of Health and Prevention has now listed COVID-19 as a communicable disease under Federal Law No. 14 of 2014 On the Control of Communicable Diseases (Communicable Disease Law), which means that anyone who fails to comply with the authorities' preventative measures or instructions may be subject to fines and/or imprisonment. It is, therefore, extremely important for employers to ensure they closely monitor developments and that they stay up to date with any government guidance or advice from public health authorities.</p>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>Clearly, if a member of staff is actually unwell with the virus, you should pay them in accordance with your usual sick pay/leave arrangements. The position becomes less clear if they are in quarantine or self-isolating in line with the latest government guidance, but are not (outwardly, at any rate) actually unwell. Employers should obviously check their own policies/contracts concerning sick pay – most employers are choosing to treat such periods of absence as sickness for their own company sick pay purposes.</p> <p>It would clearly be best practice to pay employees their normal pay in these circumstances (and particularly for those who have recently come back into the UAE or have been otherwise directed by the authorities to quarantine themselves and it would be a criminal offence for them not to self-quarantine), or to treat this period as sick leave, and we note that some large employers have already adopted this approach, not least because otherwise, employees may try to come into work, putting others at risk. We would, however, recommend that employers take specific advice on this issue and each particular case before agreeing to anything, as there may be circumstances where it is not appropriate to adopt/continue with this approach. For example, it may not be appropriate to provide normal pay in circumstances where the employee has travelled to a high-risk area ignoring government guidance or a travel ban without a reasonable excuse. It may also lead to "copycat" absences, once employees are aware that company policy is that they will be paid as normal when absent due to self-isolation.</p> <p>If an employee is able to work from home, this makes things simpler, as the employer could do this and continue to pay the employee as normal. However, this may not be practicable for all employees due to the nature of their roles or their personal circumstances.</p>

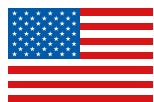
<p><b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b></p>	<p>In light of the current threat level in the UAE, it is unlikely to be reasonable for an employee to refuse to come to work on this basis unless they are at a greater risk of contracting the virus or they have a family member who is at greater risk, especially if there have been no cases in their specific workplace, and such a refusal would likely constitute an unauthorised absence. Clearly, however, employers need to take a practical approach and should take steps to understand an employee's concerns before taking any action, especially if they may be at greater risk from developing the virus. In light of the current media coverage of the virus, and the advice from the authorities for the public to stay at home and only leave in cases of absolute necessity, it is not surprising that some individuals are worried about contracting the virus and are keen to take steps to minimise the risk of infection.</p> <p>If you are communicating with your staff about the virus and what steps the company is taking to protect the health and safety of its staff, the risk of employees refusing to come to work is likely to be reduced. If there is some basis for their concerns, you may want to think about allowing them to work from home for a period of time, taking some annual/unpaid leave, etc. It might also be useful to remind employees of other support services you have in place, such as employee assistance programmes and wellbeing programmes.</p>
<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>Employers have an obligation under the Communicable Disease Law to report suspected and confirmed cases to the Ministry of Health and Prevention (800 1111) immediately and a failure to do so will constitute a crime. Employers should also take immediate steps to contain the spread and to ascertain those individuals who have been in contact with the infected individual.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off staff in these circumstances? Are they obliged to continue to pay them?</b></p>	<p>There is no right to lay off employees without pay in these circumstances. Any period of unpaid leave would need to be agreed with the employees. Onshore employers will also need to ensure that any agreed periods of unpaid leave are properly notified to the authorities to avoid any sanctions for breach of the wage protection system.</p>
<p><b>What other steps are employers taking to respond to the challenging economic situation caused by COVID-19?</b></p>	<p>There are various steps that employers are considering, including:</p> <ul style="list-style-type: none"> <li>• Compelling staff to take some of their paid annual leave entitlement. Employers in the DIFC and the ADGM should be aware that they must provide at least seven days' written notice of the requirement to take leave unless the employee agrees to dispense with this notice requirement.</li> <li>• Asking for volunteers for unpaid leave/sabbaticals.</li> <li>• Reducing individuals' working hours or pay by consent, or introducing job-sharing arrangements;</li> <li>• Bans on travel and other expenses.</li> <li>• Deferral of annual pay increases and/or bonuses.</li> <li>• Reducing the head count and implementing redundancies, although onshore employers need to carefully consider any arbitrary dismissal or early termination compensation risks before proceeding with redundancies.</li> </ul> <p>The majority of these changes can only be implemented with the consent of the employees and any changes to employees' terms and conditions should be clearly documented in writing. Employees are more likely to consent, however, if it is made clear to employees that the employer is taking such steps to minimise the need for possible redundancies and that the financial pain is being shared to at least the same extent by management.</p>

<b>What are an employer's health and safety obligations in relation to its staff?</b>	<p>Employers have a duty to ensure the health and safety of their employees and non-employees (e.g. contractors, members of the public, etc.) so far as is reasonably practicable. This would include taking reasonable steps to control the spread of the coronavirus at sites under the control of the employer. Employers should carry out a risk assessment and then implement reasonably practicable control measures to mitigate the coronavirus hazard. An employer following any government or Chief Medical Officer guidance on such measures is unlikely to face legal criticism even if they prove ineffective. Employees are also under a duty to co-operate with measures taken by the employer to satisfy its own obligations and can, therefore, be directed to take such reasonable steps to protect themselves and others as the employer instructs.</p>
<b>In what circumstances are employees required to self-isolate?</b>	<p>The position is changing quickly, so employers should always check the latest advice from the <a href="#">UK government</a>.</p>
<b>Do employers have to pay an employee if they self-isolate?</b>	<p>Clearly, if a member of staff is actually unwell with the coronavirus, employers should pay them in accordance with their usual sick pay/leave arrangements.</p> <p>In the Budget, the government confirmed that it will temporarily extend statutory sick pay (SSP) to cover individuals who are unable to work because they have been advised to self-isolate and those individuals who are caring for people within their own household who are displaying symptoms and have been told to self-isolate.</p> <p>The government is bringing forward emergency legislation to provide that statutory sick pay will be available from the first day of sickness absence. See our recent <a href="#">alert</a> on the provisions contained in the Coronavirus Bill.</p> <p>The government has also advised employers to use their discretion not to require a GP Fit Note for coronavirus-related absences. Apparently, it will be introducing a temporary alternative to the Fit Note, which can be used for the duration of the coronavirus outbreak. See <a href="#">alert</a> referred to above for further details</p> <p>Employers should obviously check their own policies/contracts concerning any company sick pay entitlement. As far as possible, employers should ensure they are consistent in how they operate their company sick pay arrangements to minimise the risk of constructive dismissal/discrimination claims, etc.</p> <p>If employees are able to work from home, employers should facilitate this and continue to pay them as normal. This has become particularly relevant in light of the latest government guidance.</p>
<b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b>	<p>The advice from the government is that employees are not recommended to wear facemasks to protect against the virus. It recommends that facemasks are only required to be worn by "symptomatic" individuals (as advised by a healthcare worker) to reduce the risk of transmitting the infection to other people. Similarly, the latest advice from the World Health Organization (WHO) is that people only need to wear facemasks if they are treating someone who is infected with the coronavirus. Wearing the mask risks suggesting that the person has the virus rather than is trying to protect against it. That may lead to difficulties in their interactions with clients and colleagues, but that is to some extent their choice, and allowing the wearing of masks may reduce the number of people who may otherwise decline to attend work.</p>

<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>The advice from the government is that in such circumstances, employers should contact the Public Health England local health protection team to discuss the situation, identify people who have been in contact with the individual and discuss any actions or precautions that should be taken. A risk assessment will be undertaken by the health protection team and advice to the company will be based on this assessment.</p> <p>The government says that closure of the workplace is not recommended. A “deep-clean” of the areas most likely to have been affected will be a reassuring step to other employees. If staff are sent home for any period to facilitate that, they should be paid as normal.</p>
<p><b>What are our rights/obligations if staff are unable to come into work due to school closures?</b></p>	<p>It has now been announced that schools in the UK will close from 20 March 2020 – other than for key workers and vulnerable children.</p> <p>Employees have a statutory right to take a “reasonable” amount of unpaid time off work in a number of circumstances, including “to take action which is necessary because of the unexpected disruption or termination of arrangements for the care of a dependant”. This would include having to deal with the closure of a child’s school. It would entitle the employee to take probably one or two days off to make alternative childcare arrangements. There is no statutory definition of what is a “reasonable” amount of time off, but what case law there is suggests it is probably a few days maximum, although it will depend upon the nature of the incident and the employee’s personal circumstances. It would not give them a statutory right to an extended period of time off work to look after their children.</p> <p>In light of the nature of the coronavirus, it is highly likely that most parents will be unable to make alternative childcare arrangements (grandparents are probably out of the picture in light of their increased vulnerability to the virus) and they may, therefore, need to stay at home themselves to look after their children.</p> <p>Clearly, the employer should check its own policies and procedures in these circumstances. Does it offer a more generous contractual policy that would entitle employees to take some paid leave in these circumstances? If so, this should be complied with. Even if such a policy exists, it is unlikely to offer more than a few days’ paid leave.</p> <p>If employees are able to work from home, the employer may agree to allow them to do this, assuming it is practicable. We anticipate that many employers will want to find a way to help their employees to make this work, even if that involves some creative thinking. Alternative arrangements may include allowing them to take an extended period of unpaid leave, changing their working hours, taking some parental leave if they are eligible for this or using some of their annual leave entitlement. Ultimately, however, if this is not practicable or the position continues for a lengthy period of time, the employer may have to consider other options, one of which may ultimately be dismissal (although, of course, given the number of people that this will impact and their value to their employers, this would hopefully be a last resort).</p>

<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>In certain sectors, employees' contracts of employment or collective agreements may contain "layoff" provisions, which give employers a contractual right not to provide employees with work for a short period of time, usually as a way of avoiding redundancies. Employees can be laid off without pay where there is a contractual term to this effect, but they may be entitled to a statutory guarantee payment from the employer.</p> <p>Employers may be able to rely on these provisions in certain circumstances, but as employees may bring claims if layoffs are not handled correctly, we recommend that employers take specific advice on this issue before requiring staff to stay away from work, especially if they wish to be able to do so without paying them. A reduction in hours (or pay) without such a term and without employee consent will risk claims for breach of contract, unlawful deductions and constructive dismissal.</p> <p>On 20 March 2020, the UK Chancellor announced further measures to support employers and employees. See our <a href="#">alert</a> for further details of these, including the new Coronavirus Job Retention Scheme.</p>
<p><b>What other steps are employers taking to respond to the challenging economic situation caused by coronavirus?</b></p>	<p>There are various steps that employers are considering, including:</p> <ul style="list-style-type: none"> <li>• Reviewing casual/zero-hour workforce</li> <li>• Compelling staff to take some of their paid annual leave entitlement</li> <li>• Asking for volunteers for unpaid leave/sabbaticals</li> <li>• Introducing short-time working arrangements where there is an express contractual right to do so (although please be aware there are some statutory constraints on this right and, in certain circumstances, it could trigger the right for an employee to claim a statutory redundancy payment)</li> <li>• Reducing individuals' working hours or pay by consent, or introducing job-sharing arrangements</li> <li>• Bans on travel and other expenses</li> <li>• Deferral of annual pay increases and/or bonuses</li> <li>• Ultimately, if the above steps do not achieve the required savings, job losses by way of dismissal of individuals with less than two years' service, as these individuals do not have unfair dismissal rights and so this should be low risk (provided there is no discriminatory motive), and/or redundancies</li> </ul> <p>The majority of these changes could only be implemented with the consent of the employees. Employees are more likely to consent if it is made clear to them that the company is taking such steps to minimise the need for possible redundancies and that the financial pain is being shared to at least the same extent by management.</p>
<p><b>Key websites/sources of guidance</b></p>	<p>The government's <a href="#">guidance</a> for employers and businesses: this contains useful advice for employers in providing advice to staff on the virus, what to do if someone with the virus has been in a workplace setting, etc.</p> <p>Acas has published <a href="#">guidance</a> for employers on what they should do to protect the health and safety of their staff</p> <p>The latest <a href="#">travel advice</a> from the Foreign &amp; Commonwealth Office (FCO)</p> <p>The latest advice from the National Health Service (<a href="#">NHS</a>)</p>

Please note that the position may differ slightly for Scotland, Wales and Northern Ireland.

**What are an employer's health and safety obligations in relation to its staff?**

Under federal law (the Occupational Safety and Health Act, or "OSHA"), employers have a general duty to provide a safe and healthy workplace for their employees. Most US states have analogous state laws requiring employers to provide employees with a safe working environment. The Occupational Safety and Health Administration has issued guidance to employers to protect workers during a pandemic. See <https://www.osha.gov/Publications/OSHA-FS-3747.pdf>. OSHA has also recently issued [guidance](#) for employers on preparing their workplaces for COVID-19, which divides employees into four risk levels and makes recommendations to limit the risk of exposure to all four groups. For employees, regardless of responsibilities, best practices include providing a clean and hygienic workplace (e.g. disinfecting surfaces, providing disposable tissues, alcohol-based hand sanitisers, cleaning agents and antiseptic wipes, having soap available for regular handwashing, encouraging regular handwashing, increasing the frequency of surface cleaning, encouraging sick or symptomatic employees to stay at home, urging social distancing strategies, and providing and sterilising personal protective equipment) and trying to minimise the spread of contagious illnesses. Reducing nonessential business travel in all respects, and particularly to highly affected regions, and eliminating in-person meetings is also recommended. Telecommuting should be encouraged whenever possible to reduce the transmission of the virus. Employers may have duties to comply with protected leave of absence laws, which vary significantly by state, but even if state law does not require paid sick leave or medical absence protection, prudence suggests allowing employees time away from work for at least 14 days (the suspected incubation period) when they are ill or recently have been exposed to the virus, or someone who is known to be infected with the virus, in order to reduce its spread.

Although employers are ordinarily advised not to treat employees differently based on assumptions of illness or disability, the Equal Employment Opportunity Commission (EEOC) has issued COVID-19 guidance recommending that employees who appear to be ill with symptoms consistent with COVID-19 be sent home and be required to stay at home until recovered or cleared by a health care professional. Employees who call in sick may be asked if their symptoms are consistent with the coronavirus. Such information should be kept confidential but it should inform procedures with respect to other co-workers who may have been exposed. The EEOC has also relaxed rules permitting employers to conduct non-invasive screening for fevers (albeit of limited value due to the range of potential symptoms) before allowing employees to work. When employees who have been out due to symptoms consistent with the virus return to work, they may be required to provide a doctor's note certifying they are fit to return to work, but the EEOC has encouraged flexibility with the usual forms for such matters since doctor's offices and urgent cares are overwhelmed with pressing patient needs.



<p><b>Should employers place restrictions on work-related international travel?</b></p>	<p>Non-essential business travel should be postponed until the virus is better controlled, particularly international travel. Whenever possible, phone and videoconferences should substitute. Employers should regularly review the US Centers for Disease Control (CDC) travel alert page (<a href="https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html">https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html</a>) for updates on high-risk assessment and precautions for travellers arriving in the US from high-risk countries. On 11 March 2020, President Trump issued a presidential proclamation expanding travel bans already in place (affecting People's Republic of China (excluding Hong Kong, Macau and Taiwan) and Iran) to also prevent entry of immigrants and non-immigrants into the US if they were physically present in any of 26 enumerated European countries (the Europe Schengen Area) for at least 30 days beginning at midnight on Friday 13 March 2020. However, this ban does not apply to US citizens or legal permanent residents of the US and their close family members and certain specifically described foreign nationals. On 16 March 2020, President Trump expanded the presidential proclamation to include the UK (excluding overseas territories outside of Europe) and the Republic of Ireland, effective 11:59 p.m. on 16 March. Citizens and permanent residents are still excluded from the ban; however, airport restrictions and additional travel restrictions are anticipated.</p>
<p><b>In what circumstances are employees required to self-isolate?</b></p>	<p>There are no generally applicable requirements for self-isolation under federal law; however, employers may take appropriate protective measures when employees present a direct threat to the safety of themselves or others. Whether that exception would apply where an employee presents a confirmed case of the virus has not yet been determined, but there is presently no requirement that employees who have been exposed or are symptomatic be removed from the workplace. If quarantine measures are implemented as a public safety measure, the result may differ. Certain industries also have ethical or regulatory compliance requirements, particularly in the healthcare, childcare and education industries. In order to slow the spread of the virus, an increasing number of cities are imposing restrictions on business operations to limit large social gatherings; residents in those locations are expected to comply with these instructions. The President and a number of local and state executives have declared states of emergency, which opens the door to public health agencies implementing additional measures, such as isolation orders.</p>
<p><b>Do employers have to pay an employee if they self-isolate?</b></p>	<p>If employees elect to be absent of their own volition, the employer need not pay non-exempt workers for the missed work time and the employer's policies on reporting absences apply. However, employees who are salaried-exempt under the Fair Labor Standards Act ordinarily must be paid their full weekly salary if they work any portion of the workweek, barring their use of <i>bona fide</i> sick time for full-day absences. If employees miss work due to their own illness or after exposure, they may be entitled to paid sick leave under state law (which laws vary significantly by state) or under their employer's paid sick leave plan, if applicable. Once employees' paid time off banks have been exhausted, employers may still have obligations to provide unpaid time off as an accommodation of a disability or under the federal Family and Medical Leave Act (FMLA) or analogous state law. However, the federal legislature is currently (as of 17 March 2020) considering a bill that would require employers to provide up to 80 hours of paid sick leave to employees affected by COVID-19 and resulting school closures. If passed in its current form, employees ordered or instructed to self-isolate or quarantine due to illness or virus exposure would be eligible to receive paid time off if their private employer employs fewer than 500 employees.</p>

<p><b>How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?</b></p>	<p>If the employee refuses to work but has available paid time off and follows notice requirements to call out from work, the employee may be paid until such paid time off is exhausted. If the employee has exhausted paid leave time or fails to follow attendance procedures, they ordinarily may be discharged, absent an employment agreement or collective bargaining agreement to the contrary. That said, if there is significant concern about infection or exposure in the workplace and failure by the employer to take appropriate measures to contain the situation, employers should exercise caution before terminating employees who choose not to come to work until the situation is addressed. If the federal legislation is passed that will grant paid sick leave to employees who are self-isolating due to exposure to the virus or awaiting diagnosis or treatment, the result here would differ.</p>
<p><b>If staff say they want to wear facemasks at work, are employers entitled to say no?</b></p>	<p>An employer generally can require that employees remove facemasks if inconsistent with a dress or appearance code. However, if a mask is recommended by a physician as an accommodation of a <i>bona fide</i> disability and the employee requests a modification of the company policy to accommodate that disability, care must be taken before refusing the request, as the Americans with Disabilities Act (ADA) requires that employers reasonably accommodate their employees' disabilities unless doing so poses an undue burden. The undue burden analysis must be informed by current circumstances and risks, which continue to evolve.</p>
<p><b>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</b></p>	<p>There is no mandatory reporting requirement currently; however, if an employee contracted the virus in the course of employment, this is a reportable incident to OSHA. In the exercise of caution and prudence, however, and an application of the OSHA general duty clause, we recommend notifying employees that a confirmed infected individual has been in the workplace so that other employees who have been exposed can take appropriate steps to be tested if they develop symptoms or to choose to stay out of the work environment until appropriate sanitising measures can be implemented and until they pass the incubation period to prevent further infection. Employers with multiple locations or facilities are urged to be consistent in their communications and remedial steps after potential exposure in the workplace.</p>
<p><b>If the situation worsens and employers are considering closing one of their sites, do employers have a right to lay off staff in these circumstances? Are employers obliged to continue to pay staff?</b></p>	<p>Barring an agreement or collective bargaining agreement to the contrary, employers may terminate or layoff at-will employees without further payment. However, if the layoff is substantial and results in an employer with 100 or more employees (i) closing a plant that affects 50 or more employees during any 30-day period, or (ii) (a) implementing a mass layoff of 500 or more employees or (b) 50-499 employees if that makes up at least 33% of the active workforce, the employer may have a duty to provide notice under the Worker Adjustment and Retraining Notification Act (WARN Act), both to employees and their representatives and to government officials. Some states have mini-WARN Acts with lower employee thresholds, so employers should confirm their notice obligations under federal and state law.</p>

<b>What other steps are employers taking to respond to the challenging economic situation caused by the virus?</b>	<p>There are various steps that employers are considering, including:</p> <ul style="list-style-type: none"> <li>• Evaluating whether to implement furloughs, and what the implications of such measures are on Fair Labor Standards Act (FLSA) exempt and non-exempt employees</li> <li>• Considering whether to implement reductions-in-force and, if so, how to draft separation/severance agreements with valid releases of claims, considering the Older Worker Benefits Protection Act (OWBPA)</li> <li>• Considering whether and when notices are required under the federal Worker Adjustment Retaining and Notification (WARN) Act and state mini-WARN Acts</li> <li>• Requiring the use of paid sick leave (where applicable), paid sick time under employer banks and accrued vacation time/paid time off to cover absences prior to the implementation of the Families First Coronavirus Response Act of 2020</li> <li>• Preparing for the paid sick leave and paid family leave act provisions of the Families First Coronavirus Response Act of 2020, which will become applicable on 2 April 2020</li> <li>• Working with state unemployment offices to apply for Shared Work Programs, where 10% – 40% reductions in hours render employees eligible for partial unemployment compensation while retaining their positions and benefits</li> <li>• Introducing reduced hours to save expenses without dropping full-time employees below the 30-hour per week threshold to remain eligible for group health insurance benefits</li> <li>• Evaluating low performers from among at-will employees for termination prior to requests for Family and Medical Leave Act leave or extended benefits under the Families First Coronavirus Response Act of 2020</li> <li>• For unionised/organised employers, evaluating collective bargaining agreements to determine any procedural requirements or negotiating/bargaining obligations prior to reducing staff, and evaluating call-back/recall and bumping rights for those returning from layoffs</li> </ul>
	<ul style="list-style-type: none"> <li>• Evaluating business insurance policies to determine whether coverage exists to reimburse for sudden, unexpected business interruptions</li> <li>• Cooperating with benefits counsel to ensure benefits continuation for disrupted workers, conversion of life insurance benefits and vested retirement plans, and HIPAA/medical privacy and state privacy rights (where applicable, such as California) to protect the identities of affected individuals and their medical diagnoses</li> </ul>
<b>Key websites/sources of guidance</b>	<p><a href="https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html">https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html</a></p> <p><a href="https://www.osha.gov/Publications/OSHA3990.pdf">https://www.osha.gov/Publications/OSHA3990.pdf</a></p>

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