

# **Coronavirus:**

## **Guide for International Employers**

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

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



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

- » **Safety and Hygiene**
- » **Testing**
- » **Restrictions on daily life**
- » **Pay**
- » **Travel**
- » **Discrimination**
- » **Reporting to the authorities**
- » **Advice from the authorities**
- » **Emergency laws and the implications for businesses**



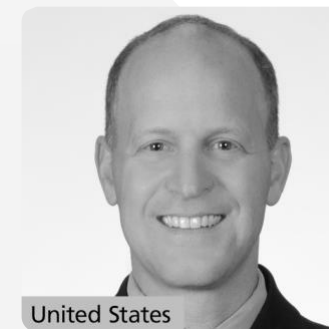
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### Our Global Taskforce

Get in touch with our coronavirus team for all queries about employment and the coronavirus in any of our 57 countries. The team can put you directly in touch with partners in the countries you need to know about.

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

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

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

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# Argentina

Last updated:  
31/3/2020

## 1 Safety and hygiene

The Ministry of Labour has not published any measures or recommendations to minimise the risks of coronavirus transmission. From a strictly legal point of view, there is only an obligation for employers to adopt the necessary measures to avoid infections. However, the Ministry of Health has published some recommendations:

- Provide your employees with disinfecting products (alcohol gel, tissues, etc.) and promote regular hand-washing by employees and customers.
- Train your employees about the symptoms and preventative measures they can take to avoid contagion.
- Reduce the number of people in the workplace (by home working) and if it is essential to be present, reduce the number of people in common spaces.
- Avoid group meetings.
- Suspend internal and external events.
- Place gel alcohol dispensers on doors.
- Ventilate closed spaces.
- Frequently clean workspaces and work tools.
- Avoid contact with sick people or people with symptoms.

- Request employees with symptoms of coronavirus and/or who were in contact with infected people, not to enter the workplace.
- Ask employees who have returned from a trip from another country not to come to work.
- Instruct employees not to self-medicate.
- Ask employees not to share 'mate' (popular infusion in Argentina, that is usually shared), glasses, forks, etc.
- Recommend employees maintain personal hygiene and distance from other employees.

If an employee has symptoms such as fever, coughing or breathing difficulties they should stay away from work until a doctor can confirm they do not have the coronavirus. Meanwhile, you should ensure the entire working area is clean and disinfected.

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

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

## 2 Testing

You are entitled to ask an employee about whether they are infected or have recently travelled to a high-risk area. Employees are obliged to inform you immediately if they have the coronavirus. It could be a serious offence for them to fail to do so, or they could incur civil liability.

You are not entitled to force someone to be tested. Therefore, if you think an employee is getting increasingly sick, you should contact a doctor or Public Hospital and they will decide on any tests or treatment.

## 3 Restrictions on daily life

### **Lockdown**

From 16 March all school classes have been suspended until at least 12 April. However, schools that provide food to children who are deprived will remain open for those children.

From midnight 19 March, the Government has imposed a restriction on freedom of movement and 'preventive and compulsory social isolation' for anyone who lives in the country or is temporarily in it. The restriction applies until 12 April inclusive, and may be extended depending on the development of the epidemiological situation.

During the period of compulsory isolation, no cultural, recreational, sporting, religious, or any other type of event involving the attendance of individuals may take place. People must remain at home, or in their place of transitory residence. They must abstain from attending work or going to public places. During the isolation period, they will only be allowed to carry out minimal trips to obtain cleaning supplies, medicines and food.

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

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

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

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

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

Under Section 221 of the Labour Contract Law, employers are entitled to suspend workers for 'duly proven reasons of *force majeure*', which may be extended up to a maximum of 75 days in one year. However, Act 24013 stipulates that before the communicating dismissals or suspensions for *force majeure* affecting more than 15% of workers in companies with less than 400 workers; more than 10% in companies with 400 - 1,000 workers; and more than 5% in companies with 1,000 plus workers, the crisis prevention procedure must be completed.

Section 223 bis of the Labour Contract Law, contemplates the possibility of paying a non-salary assignment agreed individually or collectively, approved by the enforcement authority.

The current situation could reasonably be framed as a *force majeure* event, but the most appropriate or most convenient legal measures must be decided case-by-case.

Employers cannot impose vacations, since employees must be informed of them 45 days in advance.

## **4 Pay**

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

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

Employees who telework and employees who perform the 'essential activities' described in 3 above are entitled to be paid in the normal way.

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

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

There is no temporary state support for pay.

## **5 Travel**

Entry to Argentina is prohibited and will be extended at least until 12 April except for emergencies, health reasons, medical equipment and other specified reasons.

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All movements into and through the country must be avoided. Individuals must have self-certification to show the authorities to justify any kind of movement into and through the country. Local and international flights are suspended except in special cases.

Employees returning from high-risk areas before the prohibition must be placed under medical surveillance in strict isolation, even though they may not show signs of infection.

## 6 Discrimination

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

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

## 7 Reporting to the authorities

If an employee shows symptoms of coronavirus, we advise you call to the Health Authorities (#147 phone number) that operate under the Health Ministry Protocol, in order to have the patient moved to an appropriate location or be recommended to stay at home, isolated. You must be cautious and treat all information about this with discretion, so as not to affect the employee's privacy.

## 8 Advice from the authorities

The authorities recommend employers ensure all employees returning from travel to high-risk areas should stay home for 14 days and try to avoid all social contact, even if they have no symptoms. During this time, you must continue to pay salary. Remote working and online meetings are recommended. The Ministry of Health has also published some information about coronavirus with recommendations for airports, ports and border crossings.

## 9 Emergency laws and the implications for businesses

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

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

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# Australia

Last updated:  
31/3/2020

## 1 Safety and hygiene

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

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

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

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

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

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

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

## 2 Testing

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

So far, regulators and government have not directed or recommended mandatory health screening of workers for COVID-19 when attending at a workplace. Temperature testing (using non-contact thermometers) is an alternative, less invasive, screening measure which is being trialled in some workplaces as a risk mitigation measure in addition to requiring employees to self-disclose any symptoms.

However, temperature testing is not conclusive. A fever may be masked by medication; not every fever is caused by COVID-19; the virus does not always present with a fever; or a person may still be in the incubation period and exhibit no symptoms (current evidence suggests that a person may spread COVID-19 whilst asymptomatic).

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



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

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

### 3 Restrictions on daily life

#### ***Lockdown***

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

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

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

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

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

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

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

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

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

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

### 4 Pay

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

Personal/carer's leave will apply:

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

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

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

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

See point 9 below for information on general economic measures.

## **5 Travel**

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

## **6 Discrimination**

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

## **7 Advice from the authorities**

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

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

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

## **9 Other points**

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

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# Austria

Last updated:  
13/3/2020

## 1 Safety and hygiene

If there have not been any cases of infection in your business so far, you should inform your employees about what they can do to prevent it. This ranges from regularly washing their hands to keeping their distance from each other.

Circulate a policy and inform employees that as long as there has not been any infection, there is no need to take any further precautions. Let them know that you are handling the situation with appropriate seriousness and will keep them informed based on official websites and guidance (ministries, etc.).

Infected employees will be on 'normal' sick leave. If you are notified of such an infection call the installed emergency number and have (all!) your employees tested for infection. This may require a day off for employees (or even further measures under the Epidemic Act, see below).

## 2 Testing

In view of employers' duty of care towards their staff, employees must answer questions about (past) travel to high-risk areas and notify you if they are infected, to allow you to take adequate measures in the workplace to prevent (further) infection.

If there are reasonable grounds to believe that an employee may be infected

(because of travel to high-risk countries or because he or she was in contact with an infected person), you can request the employee (or certain employees) to get tested, as the interest of the safety of employees collectively outweighs the desire of any single employee not to get tested (in accordance with their personal beliefs, convictions or similar).

## 3 Restrictions on daily life

If an employee's child's school is closed, this may constitute a reason for suspension from the duty to work for the parent; however, employees are required to find a solution or alternative care option as soon as possible to be able to return to work.

Employees do not have a right or obligation to work from home if this has not been (previously) agreed. You can conclude a separate agreement for temporary remote working with employees, if they consent, or can also order it unilaterally if there are safety reasons for quarantine (see below).

## 4 Pay

Under the Austrian Epidemic Act (to which coronavirus was recently added), employers are basically obliged to pay their employees if they cannot come to work either because they are in quarantine (for example, because of contact with infected people) or because the workplace has to be shut down due to

a (possible) infection. Employers can apply to the federal government for reimbursement of continued salary payments in these cases.

If an employee gets infected with the coronavirus, this is treated as normal sick leave and the usual rules for paying it apply. This will mean that if an employee becomes sick intentionally or as a result of gross negligence, his or her employer will not be responsible for sick leave payments.

## 5 Travel

Employees may refuse to go on business travel to high-risk countries (such as China, certain regions of Italy, Iran, South Korea, Japan, Singapore, Hong Kong). You cannot prevent employees from travelling to these countries privately (e.g. on holiday). However, if employees need to be kept in quarantine or get infected because of private travel to a high-risk region, they will not be entitled to payment from you during this absence from work.

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## 6 Discrimination

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

## 7 Reporting to the authorities

You can report that an employee has been, or all employees are, placed in quarantine because of possible coronavirus infection, as you will be entitled to reimbursement for salary and social security contributions from the authorities in these cases. You should report this within six weeks after the quarantine has ended.

You should immediately report to the authorities if one of your employees has been infected, to comply with your legal duty of care, and also take further measures to have all your employees tested.

## 8 Advice from the authorities

The Austrian Ministry of Health refers to the general precautionary measures during the flu season. The most important and effective measures for the personal protection as well as for the protection of

others against infection with respiratory pathogens are good hand hygiene, correct coughing etiquette and keeping a minimum distance (approximately one to two metres) from people you suspect of being ill.

## 9 Other points

Employers will basically meet their duty of care for their employees as long as they keep them informed about the situation within the organisation, provide them with good hygiene products, such as disinfectant soap and take reasonable precautions, such as not requiring travel or travelling to high-risk countries and possibly agreeing on temporary work from home, where possible and appropriate.

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# Bahrain

Last updated:  
30/3/2020

## 1 Safety and hygiene

Take precautions to protect the health and safety of all your staff. This can include providing of tissues and hand sanitisers, educating staff on the risks of contracting and spreading the virus and ensuring that staff who may have been exposed to the virus or who have similar symptoms do not attend work. It can also include finding alternative ways of working, including working remotely and keep up-to-date with government guidance.

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

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

## 2 Testing

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

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

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

## 3 Restrictions on daily life

### **Lockdown**

All non-essential businesses (with the exception of hypermarkets, supermarkets, cold stores, bakeries, pharmacies, fuel stations, banks, corporate administration offices of organisations that do not directly engage with customers, export and import businesses, automotive garages and repair shops, businesses in the construction and maintenance industry and manufacturers) have been ordered to close from 26 March to 9 April. Only delivery services will be available during this period. The government has stated that businesses will be permitted to open again as normal from 9 April to 23 April.

The government has refrained from ordering a curfew but has urged citizens and residents to remain at home as much as possible, and leave only if necessary. Public gatherings of more than five individuals have been banned and

gatherings in public beaches and parks have also been prohibited. Violators face a jail term of up to three years and/or a fine of up to BD 5,000.

### **Employers' response**

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

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

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

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



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## 4 Pay

### *Sickness and quarantine pay*

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

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

### *Temporary pay support*

Payment of salaries for private sector employees has been announced as part of an economic stimulus package but not implemented as yet.

## 5 Travel

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

- Banning entry to all foreign visitors who have visited Iran, Thailand, Singapore, Malaysia and South Korea within 14 days of their date of arrival in the Kingdom.
- Bahraini citizens, GCC citizens and Bahraini residents who have visited Iran, Thailand, Singapore, Malaysia or South Korea within 14 days of arriving in Bahrain will be subject to quarantine and the enhanced testing

procedures recommended by the World Health Organisation (WHO).

- Incoming flights to Bahrain have been reduced and visa on arrival has suspended until further notice.

individuals from municipal and industrial land rental fees over the same period.

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## 6 Discrimination

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

## 7 Reporting to the authorities

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

## 8 Advice from the authorities

See travel advice at point 5 above.

## 9 Emergency laws and the implications for businesses

Bahrain has announced, but not yet implemented, an economic stimulus package to support its citizens and the private sector in response to the coronavirus pandemic which includes paying the salaries of Bahraini national employees in the private sector for three months from April 2020 from the unemployment fund, paying water and utility bills and exempting business and



# Belgium

Last updated:  
31/3/2020

## 1 Safety and hygiene

- You should regularly disinfect, provide disinfecting products and promote regular and thorough hand-washing by employees, contractors and customers.
- Promote good respiratory hygiene (covering mouth and nose with bent elbow or tissue when a person coughs or sneezes, disposing of used tissues immediately).
- Inform workers they should not come to work if they have symptoms such as fever or coughing
- Provide for homeworking with the employee's consent (for example, recent visits to areas where the virus is spreading).
- However, while the sanitary measures are in force (see 3), organisations must organise teleworking for the functions where it is possible. When it is not possible, organisations must put measures in place aimed at respecting 'social distancing' rules (a distance of 1.5 metres between people), both for work and for transport. Organisations with 'non-essential activities' that cannot follow these rules have to close. Organisations with essential activities (e.g. health care, food industry, banking) should make reasonable efforts to adhere to

the above instructions to a maximum.

- Provide instructions on what to do if someone shows signs of coronavirus infection.

If an employee gets sick, ask him or her to stay home and see a doctor. Ask them to check their temperature regularly and go see a doctor in case of doubt.

The Federal Public Service Employment, Labour and Social Dialogue has created a checklist employers can use to test whether their organisation is prepared to cope with the elementary coronavirus precautions, here in [Dutch](#) and [French](#).

## 2 Testing

Legally, employees must refrain from anything that could harm their safety, that of other employees, their employer or third parties. In general employees are not obliged to inform you about their health nor can you ask them to prove that they are fit to work. However, an employee with coronavirus who continues to work and fails to inform you could incur civil liability.

For the safety of other workers, you can ask employees who are obviously sick to go home and advise them to seek treatment. If you believe an employee's condition clearly increases risks, you can contact the company doctor, who will decide if the worker needs a health

assessment. Employees must act on this immediately.

Testing may be subject to strict conditions, set out by the authorities: in Belgium currently, a person will only be tested if he or she shows severe physical symptoms of possible infection and is treated in hospital. The government is seeking to increase testing capacity.

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

## 3 Restrictions on daily life

### **Lockdown**

Belgium is not in national lockdown yet but on 17 March 2020, the Belgian government took 'sanitary measures' to limit the spread of the coronavirus.

These measures were confirmed on 27 March and are extended until at least 19 April. They may be extended again until 3 May:

- Schools are closed (since 16 March).
- All shops and stores are closed with the exception of food stores, pet food stores, pharmacies, bookstores and petrol stations.
- Food stores, including night shops, can exceptionally be open from 07:00 to 22:00.
- Organisations, whatever their size, must organise teleworking where feasible. When the organisation cannot organise teleworking, it must put measures described in 1 above in place. If social distancing is not respected, the organisation risks a heavy fine. In the event of a repeat offence, the organisation may be required to close. 'Essential' organisations and crucial sectors are not targeted by these sanctions, but must respect social distancing 'whenever possible'.
- Public transport must also guarantee social distancing.
- Deliveries of meals and takeaways remain available.
- Nurseries remain open.

All gatherings are prohibited and citizens must stay at home, only going out for essential reasons (food shopping, doctor visits, work when telework is not possible, bank or post office visits, pharmacy, petrol or in case of taking care of people in need).

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

Measures not requiring employee consent: Flexible application of the temporary unemployment regime for *force majeure* is accepted during the 'sanitary measures' with retroactive effect as of 13 March 2020. This means temporary unemployment for *'force majeure'* will apply, for example, for organisations which close (partially or fully) because they cannot organise telework and cannot respect social distancing rules in the workplace and in transport, but also for organisations facing a decrease in work due to a drop in revenue, orders, production, etc.

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

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

After the 'sanitary measures' (currently until 19 April 2020 but may be extended), organisations that face a lack of employment as a result of the coronavirus and that are unable to employ their personnel at the usual rate will, most likely, be able to benefit from the temporary unemployment for 'economic reasons' regime.

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

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

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## 4 Pay

### *Sickness and quarantine pay*

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

### *Temporary state support for pay*

Temporary unemployment benefits for *force majeure* and 'economic reasons' have been increased until 30 June 2020 to 70% of the average capped salary of the employee (capped at EUR 2,754.76 gross). For temporary unemployment for '*force majeure*', the Unemployment Office pays the employee a supplement of EUR 5.63 per day of *force majeure* unemployment.

In Flanders, the Flemish encouragement premium for employees of organisations in difficulty to encourage them to work part-time to avoid redundancies has been extended to organisations, that as a result of the corona-crisis, experience a fall of at least 20% in turnover, production or orders in the month in which the reduction in working hours starts, compared to the same month of the previous year. The employer must draft a plan which is subject to approval by the relevant social body or, if there is no relevant social body must be included in the work rules. The employee's monthly

premium amounts to between EUR 68 and EUR 172 gross and can start on 1 April 2020 at the earliest and end on 30 June 2020 at the latest.

The Flemish government will also cover energy bills for one month for families in Flanders where at least one person is temporary unemployed (allowance of 202,68 EUR based on an average household).

## 5 Travel

Non-essential travel to and from Belgium is temporarily prohibited until 19 April 2020 (may be extended to 3 May). Frontier workers working in Belgium but living in a neighbouring country need a certificate that they need to cross the border for work.

## 6 Discrimination

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

## 7 Reporting to the authorities

During the sanitary measures, procedures have been simplified. There are currently no reporting procedures in place.

## 8 Advice from the authorities

The Federal Public Service Employment, Labour and Social Dialogue has published a detailed list of prevention measures for the workplace (in Dutch and French), available [here](#). On 17 and 27 March, the Belgian Federal Government announced strict 'sanitary measures', described in 3 above. Extensive information on the temporary unemployment regimes can be found on the [website of the National Employment Office](#) (NEO).

## 9 Emergency laws and the implications for businesses

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

The government has also taken measures to support organisations suffering from the effects of the coronavirus, such as payment plans for social security contributions, withholding tax, income, corporate tax, VAT, etc.

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# Brazil

Last updated:  
27/3/2020

## 1 Safety and hygiene

A renowned hospital has issued a range of guidance notices on precautions and best practice for suspected and confirmed coronavirus cases. It is available for you to consult [here](#) in Portuguese, Spanish and English and provides thorough guidance on prevention and treatment.

If an employee has symptoms (fever, cough, sneezing, lethargy), you should direct him or her into the care of occupational physicians/outpatient and grant medical leave.

If an employee returns from a high-risk area, you must determine that he or she works from home. However, it is advisable to obtain the employee's consent, and, in the event of refusal, the alternative is paid leave.

## 2 Testing

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

An occupational physician will determine if compulsory medical examinations are

necessary, check for symptoms and, if they are present, notify the authorities.

## 3 Restrictions on daily life

### **Lockdown**

The situation in Brazil at the time of writing is not alarming, but you may want to take precautions to avoid contamination or panic resulting from incorrect information.

In extreme circumstances, the government can order quarantine and temporary closing of certain businesses, especially those that involve bringing together large groups of people, such as arenas and theatres. The law is silent about the employment consequences. There is, however, an alternative provision in the law, for termination of employment agreements by virtue of 'a governmental act' resulting in the temporary or permanent stoppage of an employer's activity. If this is invoked, the government would pay severance, but to date and to our knowledge, this provision has never been applied.

### **Employers' response**

If you experience a lack of materials and supplies, Provisional Measure 927/2020 introduces measures for employers in addition to the existing ones to deal with jobs and wages in the context of the epidemic. This act declares that the situation now constitutes *force majeure*,

which permits extraordinary measures, as described below. However, it is advisable to take precautions because the pandemic affects different businesses in different ways. Public and essential services, for example, must carry on their business under a potential lockdown. So the organisation must be able to prove that its business was drastically affected by the crisis to be able to argue *force majeure*. The measures include:

- The unilateral imposition of remote working on 48 hours' notice without prior recording of the decision.
- Granting anticipated annual leave on 48 hours' notice.
- Vacation for all employees (or for designated departments): the usual prior notice of 15 days has been reduced to 48 hours.
- Implementing a complete or partial shutdown on 48 hours' notice, either by collective vacation or voluntary paid leave (in which case, if the recess is longer than 30 days, employees forfeit vacation).
- Advancing non-religious holidays on 48 hours' notice.
- Using now expanded time bank rules to grant time off.



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Reduced salary and working hours (*force majeure*), through collective agreements.

- Suspension of employment for from two to five months on condition of collective agreement, mandatory professional training, prohibition on working and voluntary enrolment.
- Reduction in Force (RIF) and the 'PDV' voluntary dismissal programme, both of which are methods of incentivising layoffs, can be used subject to collective negotiation (see *force majeure*).

## 4 Pay

There is no legal provision covering collective unpaid leave. This would depend on the applicable collective agreement with the union, supported by the legal notion of *force majeure*. It is unlikely that unions, or the labour authorities responsible for overseeing public employment policy would approve long-term unpaid leave. It would be more realistic to aim to provide paid leave with temporary reduction of salaries by 25% or less, depending on the circumstances (the duration of leave and your capacity to fund it).

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

that, you must notify the Social Security System (the 'INSS') to arrange medical pension coverage for the employee.

## 5 Travel

There is a prohibition on travel to countries considered in a grave situation or under monitoring by the WHO. Employees can refuse to travel to a high-risk area on business. If they became infected in this context, it would be an occupational illness.

## 6 Discrimination

You should consider whether removal from work without justifying circumstances, or in an arbitrary manner could be considered discrimination. Information is key to avoiding panic and other unjustified reactions, such as discrimination against employees of Asian heritage. If discrimination happens among co-workers in the workplace, you may be liable for damages.

## 7 Reporting to the authorities

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

it falls under the exemption for sharing data to fulfil a legal obligation.

## 8 Advice from the authorities

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

## 9 Emergency laws and the implications for businesses

There are not emergency measures.

## 10 Other points

Some industries in Brazil are suffering from the decrease of imported products and parts from China. Temporary shutdown on collective vacation may be an alternative to manage this.

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# Bulgaria

Last updated:  
27/3/2020

## 1 Safety and hygiene

In accordance with the latest order of the Health Minister employers must arrange for home-based work if this is possible and duties can be performed remotely. The introduction of remote work is mandatory, and not a matter of convenience/ judgment. If remote work is impossible, you must organise enhanced anti-epidemic measures, including:

- air filtering;
- disinfection;
- ventilation;
- give instructions for observing personal hygiene for workers;
- preventing access for employees or outside visitors with acute infectious diseases, etc.

If an employee appears sick at work, you are entitled to suspend them without pay. They would be able to obtain a medical certificate and benefit from sick leave pay.

Any employee who has been in contact with a confirmed coronavirus case should be quarantined. You could also require managers to report anyone who appears sick.

## 2 Testing

In line with the most recent measures, we assume employers are entitled to request health status information from employees

in order to comply with these measures. You are entitled to ask employees directly whether they have coronavirus and you can ask if they have recently travelled to a high-risk area. You cannot compel a person to be tested. The best strategy, if in doubt, is to set up remote working for staff.

## 3 Restrictions on daily life

### **Lockdown**

Visits to all casinos and entertainment halls, bars, discos, restaurants, fast food restaurants, cafés, commercial centres (i.e. malls), except for bank offices, insurance offices, grocery stores and pharmacies on their territory are suspended. Fast food outlets and food stores in the territories of gas stations should not allow consumption on the spot from 22 March 2020. Takeaway services are not affected. Online retail is not affected. All other retail trade and services are not affected but must continue under strict sanitary requirements.

All tourism services (for visits in Bulgaria and abroad) are suspended. The hotels within the country should not accommodate visitors.

All educational activities, including extracurricular activities (excursions, study halls, educational gatherings, etc.) are suspended in schools, universities and other educational institutions and

organizations, including kindergartens and nurseries.

Any social event, including sports activities, cultural events (cinemas, theatres, museums, conferences, symposiums, sports and SPA centres, gymnasiums, etc.) are suspended. Visits to parks, city gardens, sports and children's playgrounds are suspended (effective 00:00 on 21 March 2020).

People younger than 60 are barred from visiting food stores and pharmacies between 08:30 and 10:30 a.m. (effective 00:00 on 21 March 2020).

Checkpoints are to be set up at the entry and exit points of each of the 27 regional centres of Bulgaria (including Sofia). Travel through the checkpoints is only allowed for urgent reasons, related to work in the relevant settlement, the traveller's health reasons or his or her close relatives, return to the place of current or permanent residence. The reasons for travel must be backed up by a self-declaration affidavit along with one of the following documents: office certificate, work identification card, office pass, medical document, ID document. A copy of the affidavit must be kept by the authorities every time when travelling through the checkpoints. The Bulgarian Ministry of the Interior has published a template for the self-declaration affidavit on its website.



Additional measures were adopted on 20 March in a Measures and Actions during the State of Emergency Act (the 'Act') which entered into force on the 24 March. The employment related changes listed below are retroactively effective as of 13 March.

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

Employers can:

- Unilaterally implement remote work (this is currently also an employer's obligation under the 13 March 2020 Order of the Minister of Health).
- Suspend the business of the entire enterprise, part of it or individual employees. In this case the employer could either unilaterally grant the use of half of the employees' annual paid leave or there will be a suspension of work and the employees will be entitled to their entire gross remuneration.
- Unilaterally introduce part-time working hours for the entire duration of the state of emergency or part of it: In this case salaries will be reduced accordingly. No consent from the employees would be necessary.
- Assign other work to idle employees taking into account their qualifications and health.

- Terminate employment contracts in the event of suspension of work for more than 15 business days, closure of departments, staff cuts or decrease in volume of work.

Upon suspension of business, employers can:

- unilaterally grant employees the use of half of their annual paid leave; or
- pay them 100% of gross salary, regardless of whether the employer took the decision to suspend the business or the business was suspended by an order of a public authority.

We believe that, depending on the extent of suspension of work, employers are also entitled under the Labour Code to instruct an employee to perform other work, and to terminate the employee's contract in the event of suspension of work for more than 15 business days.

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

The employer can introduce reduced working hours for the entire duration of the state of emergency (for employees who work full-time).

Garnishing of salaries for debt enforcement is suspended.

## **4 Pay**

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

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

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

The Act provides for the National Social Security Institute to compensate certain categories of employers for the duration of the state of emergency but no more than 3 months at the amount of 60% of the salaries of employees who are directly affected by the newly introduced measures. According to a draft decree of the Council of Ministers eligible employers should meet a set of criteria, i.e. belonging to specific industry sectors, having suspended the business of at least 50 percent of the listed personnel, etc.

Employers who receive such state aid remain liable for the rest of the employee's remuneration, i.e. 40% of the salary and are obliged to return any state aid if they do not pay their share of the salaries.

## **5 Travel**

Any Bulgarian national or resident arriving from China, Iran, Bangladesh, India, the Maldives, Nepal, Sri Lanka, Spain, Italy, South Korea, North Korea,

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Great Britain, France, Germany, the Netherlands or Switzerland will be placed under a mandatory 14-day quarantine by the health authorities.

You can instruct your employees to report their travel plans prior to going to a country with registered coronavirus cases and say that non-compliance could result in disciplinary action. Training and business trips both abroad and in Bulgaria are currently banned under the Act.

From 20 March 2020 the Minister of Health imposed restrictions on travelling in and out of regional cities. Employees who enter and exit regional cities must present certificates (signed by the employer) showing their place of work (the template can be found on the Ministry of Interior website).

As of 00:00, 20 March 2020 until 17 April entry to Bulgaria for all third-country nationals and by any means of transport, including aircraft, maritime and railways is temporarily prohibited, with limited exceptions for particular categories of individual. For full details see [here](#).

## 6 Discrimination

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

## 7 Reporting to the authorities

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

## 8 Advice from government and authorities

Under the Act, foreign nationals' residence permits, IDs and certificates have been extended for six months, in particular permanent and prolonged residences certificates issued to EU and EEA nationals, Swiss nationals and third countries nationals granted free movement under international treaties. Additional flexibility on the terms of renewal and conditions of absence for permit has also been introduced. Most importantly, if a current prolonged residence permit expires during the state of emergency foreign nationals can enter Bulgaria without a visa within 14 days as of the end of the state of emergency. See [here](#) for details.

## 9 Emergency laws and the implications for businesses

### Tax and Accounting

Many tax and accounting reporting and payment deadlines have been extended.

## Judicial, administrative and enforcement time limits and actions

Procedural time limits in pending litigation, arbitration and enforcement cases are suspended retroactively from 13 March 2020 until the end of the state of emergency (except for criminal litigation). Time limits and deadlines for fulfilment of directions issued by an administrative authority are also suspended. Exceptions apply. All limitation periods, time barring rights or giving rise to obligations of private persons and entities are suspended, with the exception of those under the Bulgarian Criminal Code and the Administrative Violations and Penalties Act. Until the end of the state of emergency, the effects of default on payments of private individuals and entities are suspended. This includes the accrual of interest and penalties for delay, acceleration, and the right to rescind a contract and repossession assets. According to media reports, this provision will be amended later this week, as its broad consequences were not originally intended, when drafting.

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# Canada

Last updated:  
30/3/2020

## 1 Safety and hygiene

Canada has yet to declare a nation-wide state of emergency, however several provinces have declared a state of emergency, and others have issued public health emergency notices. Canadians are encouraged to stay home and self-isolate to the greatest degree possible to combat the spread of the coronavirus pandemic. Some Canadian jurisdictions have closed all non-essential businesses at this time. For businesses deemed 'essential' that remain open, the following guidance is pertinent.

Ensure basic supplies such as hand-hygiene products, tissues and receptacles are available in all locations. If possible, employees should be permitted to work from home, shift starts and breaks should be staggered to reduce the number of people in the workplace at a time, and workstations should be arranged to maintain distance between individuals. Telephones, videoconferencing and the Internet should be used to conduct as much business as possible.

If you have vulnerable employees (over age 65, compromised immune system, or underlying medical condition) your obligations to them could be different. What steps may be reasonable to protect vulnerable workers are likely to be determined on a case-by-case basis and involve advice from public health and/or medical officials. Any at risk individuals should be permitted to work from home,

or simply stay home if they are at risk in the workplace.

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

## 2 Testing

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

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

Depending on the nature of the employer's business (food supply and preparation, healthcare, working in close quarters, etc.) it may be reasonable for employers to take more aggressive health testing measures in the workplace, including temperature checks, which would be consistent with workplace occupational health and safety obligations to take every precaution reasonable in the circumstances.

There may be human rights, occupational health and safety and privacy considerations should employers wish to take the temperature of employees or members of the public entering a premise, but this must be balanced against the need for business continuity and protecting employees.

While it is generally not advisable to seek a diagnosis from an employee, this information may be necessary in some circumstances to fulfil health and safety obligation. Nevertheless, the collection of employee health-related information should be done cautiously with appropriate safeguards. The federal, British Columbia and Alberta privacy commissioners have released publications which appear to preclude this action, but these were not released during a global pandemic, so we counsel the use of common sense and good judgment.

### 3 Restrictions on daily life

#### ***Lockdown***

Several Canadian provinces have enforced the closure of schools, with more expected to follow. Several provinces have implemented the closure of non-essential businesses. For businesses that remain open, it is advisable to require employees to work from home when possible. Employers should follow the guidance released by their respective provincial health authorities.

Currently, the government of Canada has imposed quarantines on individuals who have been infected with coronavirus, and any individuals returning from travel outside of the country. Canadians are encouraged to self-quarantine if they believe they may have been in contact with an individual infected with coronavirus.

Currently Canada has not implemented a national lockdown, however many provincial and municipal jurisdictions in Canada have taken steps to close public facilities, such as recreational centres and theatres. The Canadian Government is currently enforcing quarantines for travellers returning to Canada from outside the country. Self-isolation measures are currently escalating, with both provinces and the federal government putting sanctions in place to penalise those who breach self-isolation or quarantine requirements.

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

Normally, an employer will risk incurring liability by imposing a unilateral lay-off, however, in the current circumstances if an employer is required to close by government order, it may be able to lay-off employees without incurring liability. There are also statutory exemptions in many jurisdictions for unforeseeable circumstances, which may include a pandemic or government-ordered closure of a business. A number of provincial governments are proposing amendments to statutory leave guarantees to address the impact of coronavirus.

An employer must ensure a safe working environment. Depending on the situation, it may be necessary to close a business location for occupational health and safety reasons. An employer's obligation for providing notice or pay in lieu of notice to employees in the event of a workplace closure will be governed by the specific facts of each case. Some Canadian jurisdictions have implemented non-essential business closures. Normally, an employer will risk incurring liability by imposing a unilateral lay-off, however, in the current circumstances if an employer is required to close by government order, they may be able to lay-off employees without incurring liability. There are also statutory exemptions in many jurisdictions for unforeseeable circumstances, which may include a pandemic or government-ordered closure of a business. A number of provincial governments are proposing amendments to statutory leave

guarantees to address the impact of coronavirus.

### 4 Pay

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

Where an employee contracts coronavirus and is unable to work, you must grant any applicable legislative leave to the employee, in addition to meeting any sick leave obligations in employment agreements or collective agreements. Employees who cannot work due to coronavirus-related illness may be captured under employee benefits, and may be eligible for short-term disability. You will have to consult the wording of their sick leave benefit provisions to determine if coverage can be provided upon a quarantine when the employee is not actually sick. The one-week waiting period for sickness benefits has been waived for claimants who are ill or have been quarantined, as has the requirement for a medical certificate.

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

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

- workers who must stop working due to coronavirus and do not have access to paid leave of other income support;
- workers who are sick, quarantined, or taking care of someone who is sick with coronavirus;
- working parents who must stay home without pay to care for children that are sick or need additional care because of school and day-care closures;
- workers who still have employment but are not being paid because there is insufficient work and their employer has asked them not to come to work, and;
- wage earners and self-employed individuals, including contract workers, who would not otherwise be eligible for Employment Insurance (EI).

The Federal Government advises that Canadians who are already receiving EI and sickness benefits will continue to receive their benefits and should not apply for the CERB. If EI benefits end

before 3 October 2020, Canadians can apply for the CERB once their EI benefits cease, if they are unable to return to work due to coronavirus. As of 27 March 2020, the Canadian Government has implemented a 75% wage subsidy for small and medium-sized employers.

### **5 Travel**

On 26 March 2020, the Canadian Government issued two Orders in Council ('OIC') relating to the existing travel bans in effect for travellers from the USA and from other parts of the world. These OIC's will remain in effect until 21 April 2020 and 30 June 2020, respectively. Any person regardless of nationality is prohibited from entering Canada if they show signs symptoms of a fever and cough or fever and breathing difficulties with few exceptions.

Entry from the US is restricted to essential travel only, with few exceptions. For entry from a country other than the US, any foreign national, who is not a Canadian citizen or Permanent Resident of Canada will not be allowed to enter Canada. There are relevant exceptions for immediately family members or permanent residents, work and study permit holders and healthcare or emergency workers, among others.

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

### **6 Discrimination**

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

### **7 Reporting to the authorities**

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



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There is no obligation for employers to report a confirmed coronavirus case to federal or provincial health authorities. The medical professional who received the diagnosis must report the positive test result to provincial health authorities. However, if an employee in the workplace is diagnosed, employers may want to voluntarily contact public health authorities to receive advice and assist in identifying the infected employee's contacts.

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

### 8 Advice from the authorities

The prevailing guidance from Canadian authorities at this time is for all Canadians to limit non-essential exposure to others, and to self-isolate where possible.

### 9 Emergency laws and the implications for businesses

As the COVID-19 pandemic escalates, more and more Canadian businesses are facing closures, whether voluntary or government mandated. Courts and Tribunals across the country have been affected by closures, and some provinces have responded by waiving limitation periods at this time. Although the federal

government continues to encourage Canadians to self-isolate, certain Provinces have increased their measures to ensure Canadians follow self-isolation and quarantine requirements by imposing fines. In certain jurisdictions, businesses may be fined if they continue to operate in light of a closure order from the Provincial authority.

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

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# Chile

Last updated:  
27/3/2020

## 1 Safety and hygiene

You must take all the necessary measures to effectively protect employees' life and health, updating them with information from the health authorities regarding the prevention and control of the virus. In addition, you must take all appropriate hygiene and safety measures in the workplace to follow the health authority's instructions. These include, among others, encouraging everyone to wash their hands regularly, coughing into your elbow and avoiding non-essential contact.

If an employee falls sick, he or she must seek medical treatment and will be entitled to sick leave. For employees who have been in close contact with the sick employee, you must grant them permissions to undertake preventive testing or examinations.

## 2 Testing

You cannot force an employee to get tested for coronavirus. Forcing an employee to undergo this type of examination could be considered an infringement of his or her fundamental rights. However, given the employer's obligation to take all the necessary measures to effectively protect employees' life and health, you can ask them whether they have recently travelled to a high-risk area, or if they have been in contact with someone who is infected.

You are also allowed to do temperature checks.

## 3 Restrictions on daily life

### **Lockdown**

Schools have closed.

On 26 March, Law N° 21.220 regarding remote working and/or flexible working conditions was published. The Law will be effective from 1 April 2020.

The government has also ordered the closure of shopping centres, cinemas, theatres, pubs, discos, nightclubs, restaurants and public gyms, for an indefinite period of time. In addition, a ban on professional and amateur sporting events has been ordered.

In addition, the Chilean Government has declared a seven-day quarantine beginning at 22:00 on 26 March (renewable). This quarantine will affect the Santiago suburbs of Lo Barnechea, Vitacura, Las Condes, Nuñoa, Providencia, Independencia and Santiago centre. Health checkpoints will be placed at all principal points of entry and exit to the city of Santiago, including to confirm individuals are not violating instructions to self-isolate at home.

This quarantine will also affect Puerto Williams (starting on 23 March 2020 for an indefinite period) and Easter Island (starting on 20 March 2020 for 14 days).

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

### **Employers' response**

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

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

- home office;
- agreeing on new working schedules;
- agreeing with employees to anticipate holidays;
- closing the organisation and allowing employees to use their annual leave collectively.

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

## 4 Pay

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

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

For cases where the health authority has granted medical leave as a preventive measure (quarantine) the social security authorities will decide on the coverage of the respective payments.

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

On 25 March, the Chilean President submitted a bill with a package of measures aimed to protect family incomes and jobs from the effects of

Covid-19, which include among others, agreeing a suspension of the employment contract. This means that the employee does not have the obligation to render services to the company and the employer does not have the obligation to pay any remuneration to the employee but social security payments. The employee will receive his or her remuneration from the unemployment insurance. The bill is under discussion in the Congress.

## 5 Travel

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

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

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

## 6 Discrimination

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

## 7 Reporting to the authorities

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

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

## 8 Advice from the authorities

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

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

## Contact our specialist in Chile



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## 9 Emergency laws and the implications for businesses

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

It gives the government extraordinary powers, including to:

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

### Tax

On 23 March, the Government sent the bill that contains some of the economic measures of the Emergency Economic Plan announced on 19 March.

The measures are the following:

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

implement the Emergency Economic Plan.

In addition, the Government has announced:

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

## Changes in the justice system

The Supreme Court of Justice has agreed to prioritise extraordinary criminal cases involving a prisoner, appeals for protection, labour and tax cases regarding fundamental rights, appeals for annulment and incidental appeals in criminal matters in cases where the accused is deprived of liberty, and urgent family matters.

In addition, on 24 March 2020, the President introduced a bill that authorises the Supreme Court to suspend hearings and, for the period it deems appropriate, to suspend ongoing judicial proceedings, among other things.

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# China

Last updated:  
27/3/2020

## 1 Safety and hygiene

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

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

You should do your best to distribute protective supplies, provide guidance on self-protection and adopt flexible working arrangements applicable during the coronavirus outbreak.

## 2 Testing

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

An employee cannot refuse to tell you if they are infected: he or she has a legal obligation to truthfully disclose his or her health condition and travel history in a timely manner. No, only the government authority has the power to force individuals to take test.

## 3 Restrictions on daily life

### **Lockdown**

The government has delayed school re-opening after the winter vacation. In several cities, the local government has announced school re-opening in April, but there is no clear re-opening schedule yet in most cities. Most schools now provide online teaching to students.

Homeworking is encouraged and can be achieved using various virtual platforms such as DingTalk.

### **Employers' response**

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

If you decide to suspend business operations and production, employees should be paid normal salaries if the suspension is contained within one full

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

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

## 4 Pay

### **Sickness and quarantine pay**

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

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

### **Temporary state support for business recovery**

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

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## 5 Travel

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

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

## 6 Discrimination

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

## 7 Reporting to the authorities

You should follow the government's requirements to collect employees' travel and health information and must report infected and suspected case to the local

health authority. You should take necessary and proper measures to ensure the confidentiality and security of the information collected from employees, and must not use the collected information for other purposes.

## 8 Advice from the authorities

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

## 9 Emergency laws and the implications for businesses

No measures other than those mentioned above.

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# Colombia

Last updated:  
2/4/2020

## 1 Safety and hygiene

You should implement prevention and promotion actions in the workplace that comply with the Ministry of Health guidelines and recommendations, as part of the Health and Safety at Work Management System ('SG-SST'), in coordination with the Labor Risk Administrator ('ARL' for its acronym in Spanish). These activities include improvement and reinforcement of cleaning measures and self-care, training employees in hand washing technique, preventing sharing of tools and personal protection items among employees, among others.

If there is a case of coronavirus or suspected coronavirus in the workplace, you should immediately notify the health authorities, so that they can provide immediate attention. You should strictly follow the recommendations of the ARL if a coronavirus case is detected in the workplace.

Generally, you should comply with the minimum standards for the workplace set out by the Ministry of Labor and the Ministry of Health and should promote remote working and discourage meetings, etc.

## 2 Testing

Employees are required to tell you about any travel to high-risk regions: they should inform you of dates and places to

which they have travelled to countries in which coronavirus has been detected. You and your employees should monitor all these cases for 14 days following their return to Colombia. They should measure their temperature at least twice a day and if they experience symptoms, you must inform the health entities and the ARL and comply with the public guidance established for these cases.

Employees cannot refuse to tell you they are infected. It is a matter of public health and the Ministry of Labor has established employees' self-care liability, as well as employees' obligation to provide clear and truthfully information to employers about their health situation. This means employees must inform you, truthfully and in a timely manner, about any symptoms.

## 3 Restrictions on daily life

### *Lockdown*

On 22 March 2020, the President of Colombia issued Decree 457 by which he ordered mandatory national preventive isolation from 25 March 00:00 until 13 April 00:00.

In view of this, the Ministry of Health has taken several measures to restrict the entry of international flights to prevent contagion. These measures are contained in Resolution 380 of 2020, Resolution 385 of 2020 and Resolution 408 of 2020.

There are exceptions to preventive isolation for 34 specified situations, including providing health services, acquiring basic necessities, production, distribution and supply of medicines, hygiene and health equipment among others. For more details and a link to the decree, see [here](#).

### *Employers' response*

Public guidance for prevention should be followed. In particular, encourage remote working for employees who have travelled to countries in which coronavirus has been detected for 14 days following their return to Colombia.

Quarantine may be used. Its duration will be for a period not exceeding the maximum incubation period of the disease or until the absence of a risk of infection from coronavirus has been verified. Isolation has also been introduced to prevent the spread of coronavirus. Isolation for public health purposes may be voluntary or mandatory by order of the health authority.



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## 4 Pay

### *Sickness and quarantine pay*

Employers should provide for sick leave, which is paid by the health authorities. Recognition of medical leave should be made by the EPS or ARL depending on the origin of the disease. During quarantine and in the absence of sick leave, individuals may work remotely, if possible. Even if not strictly regulated, coronavirus risk would be considered as an objective reason for not attending work (for public health purposes) meaning that salaries should be paid.

### *Temporary support pay*

For state support measures currently in place please consult the [covid-19 hub](#).

## 5 Travel

According to the Ministry of Health measures described in 3 above, from 22 March to 23 April, international flights will be restricted. This means that nobody will be allowed to enter Colombia during this time. This measure has been taken in conjunction with the closure of maritime, fluvial and road borders.

In addition, from 23 April to 30 May, only the following individuals can enter the country (unless and until these measures are amended):

- Colombians and foreigners with permanent residence in Colombia, that is, holders of migrant visas, residence visas or courtesy visas and their dependants in the country;
- diplomats accredited in Colombia;
- air crew.

## 6 Discrimination

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

## 7 Reporting to the authorities

The Ministry of Health and Social Protection has a free national contact telephone line 018000-955590 and (57-1) 3305041 in Bogotá addressing frequently asked questions about coronavirus. Any symptoms or possible cases should be reported to the health authorities both by individuals and employers. You should protect the privacy of any coronavirus sufferers in your workforce.

## 8 Advice from the authorities

You must comply with the Ministry of Health protocols on responding to cases

of coronavirus, as well as any official bulletins and communications and communicate this information in the workplace.

## 9 Emergency laws and implications for businesses

The Internal Work Group on Visas and Immigration of the Ministry of Foreign Affairs will take the following measures regarding the operation of visa services:

- Visa applications filed with consulates will be inadmissible, regardless of class or category.
- The Ministry of Foreign Affairs will accept visa applications for study and electronic approval, but will not make visa stamps in the passport.
- The Ministry of Foreign Relations will not examine visa applications from foreign nationals who are outside Colombia.

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

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# Croatia

Last updated:  
1/4/2020

## 1 Safety and hygiene

Encourage employees to apply general hand and food hygiene rules, wash hands with soap and water, or use an alcohol-based disinfectant solution before eating, after using the toilet and after any contact with animals. Avoiding handshakes is also recommended.

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

## 2 Testing

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

Under the Labour Act, you can send employees for medical examinations in order to determine their medical fitness to

perform certain jobs: this could include coronavirus testing.

## 3 Restrictions on daily life

### **Lockdown**

Kindergarten, schools and faculties in Croatia are currently closed, and the Ministry of Education has organised online classes for all pupils and students.

Some public places such as arenas and sports halls have been converted into quarantines for infected patients and people who were in contact with them.

The Civil Protection Headquarters of Croatia has adopted several decisions for prevention of the occurrence and spreading of COVID-19 disease.

They include:

- a Decision on temporary prohibition in crossing the border into Croatia;
- a Decision on prohibition of leaving places of residence and permanent residence,
- a Decision on the temporary suspension of public transport;
- a Decision on temporary closure of children's playgrounds and open sports grounds;
- a Decision on measures to limit social gatherings, work in stores,

service activities and maintenance of sports and cultural events;

- a Decision on new working hours of stores (from 08:00. to 17:00).

These Decisions were adopted in the period between 19 March and 21 March 2020 and will be in force for minimum 30 days from the date of adoption of each individual decision.

### **Employers' response**

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

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

## 4 Pay

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

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

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

The Croatian Employment Service (CES) has introduced measures aimed at preserving jobs in industries affected by coronavirus. The aim of these measures is to safeguard jobs for employers experiencing a temporary decline in business activities and/or losses in business, and to assist people in acquiring necessary knowledge and to be prepared for the job market in view of the potential loss of jobs in this difficult economic context.

The financing will take the form of an aid of HRK 3,250.00 per month per employee working full-time, up to 1,625.00 HRK per month per employee working part-time. This is pro-rated where part of the month was worked before the Decisions of the Civil Protection Headquarters of Croatia came into force. Decision of the Civil Protection Headquarters introducing measures for limitation of social gatherings, work in stores, service activities and maintenance of sports and cultural events prohibited work of all

cultural activities, catering facilities and all service activities where there is a close contact with the client. All employers whose business was adversely affected by such measures can use these financial measures before CES.

## 5 Travel

According to the Decision temporarily prohibiting crossing the border into Croatia, all Croatian citizens are prohibited from crossing the border except for health workers, cross-border workers, goods carriers, transit passengers, diplomatic staff and police officers.

Croatian citizens returning from high-risk areas who do not show signs of infection are to be placed under medical surveillance in self-isolation based on the decision of border sanitary inspectors.

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

operational services involved in combatting the coronavirus.

## 6 Discrimination

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

## 7 Reporting to the authorities

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

## Contact our specialist in Croatia



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## 8 Advice from the authorities

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

## 9 Emergency laws and the implications for businesses

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

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

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

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

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# Cyprus

Last updated:  
2/4/2020

## 1 Safety and hygiene

Before anyone is sick:

- Educate your staff about the current situation and any government guidance.
- Do a risk assessment to ensure working practices do not create undue risks.
- Implement recommendations issued by the Ministry of Health on hygiene, such as encouraging everyone to wash their hands regularly and ensuring there are clean places to wash hands with soap and water. Place hand sanitisers and tissues in common parts of the office.
- Employers are strongly advised to follow the guidance issued by the Ministry of Health on ways to disinfect the workplace.
- Follow government guidance and update workplace policies accordingly.
- Make sure contact numbers and emergency contacts are up to date.
- Make sure managers and staff are clear on workplace policies, including for sickness and absence.

Once someone is sick:

- Make clear that you don't expect employees to come to work if they are unwell.
- If there is an identified incident of a sick employee, you should keep that employee away from the workplace until the risk has passed. The organisation's normal sick leave policy will apply and the employer should require the employee to stay at home. Issues may arise in the event that an employee insists on coming to work.
- You can inform employees that there has been a confirmed coronavirus case in your workforce however it would not be appropriate to provide any details from which the individual might be identified.
- Inform your employees about the symptoms of the coronavirus and any preventative measures. This information is available from the Ministry of Health.
- Consider offering flexible working, including homeworking, to avoid and minimise the risk of infection or spread of the virus.

## 2 Testing

You have a duty to protect the health, safety and welfare of all your employees,

including those particularly at risk. You may process medical data where necessary to comply with your legal obligations. If you do process such data, make sure you are able to justify this on a legal ground of processing. You should also be careful not to discriminate against any employees by targeting any particular category of employee.

Remind employees that they have a duty to take reasonable care of their own health and safety and not endanger themselves or people they work with. Remind them also that failure to comply with these duties could result in disciplinary action.

You are not entitled to force an employee to be tested for coronavirus. The employee's prior consent is required. If you suspect someone is infected, you may request a doctor's certificate before they return to work following sick leave.

## 3 Restrictions on daily life

### **Lockdown**

The government has issued a new Decree implementing restrictive measures in order to minimise the spread of the coronavirus. From 06:00 on 31 March 2020 until 18:00 on 13 April 2020, people are exceptionally allowed to go out of their houses only once a day for the reasons listed below.



However, between 21:00 and 06:00, no one is allowed outside for any reason, with the exception of those who have to go to work and they must carry a certificate signed by their employer, plus ID.

The 'exceptional reasons' for which people can go out once a day are:

- Going to and from work, including travel related to work.
- Absolutely necessary visits to governmental authorities or public and regional authorities, travel for the purchase of essential goods and services;
- Doctors' appointments, visits to the pharmacy and blood donations;
- Bank visits, but only when online banking is not available;
- Visiting relatives or vulnerable people who are not self-sufficient or those in obligatory quarantine or self-restriction, to provide them with assistance;
- Small gatherings (i.e. christenings, funerals and weddings) with first and second-degree relatives, not exceeding ten people;
- Exercise or walking pets, with no more than 2 people and within the neighbourhood;
- Divorced and separated parents can visit their children;

- Disabled people and those with chronic diseases can seek specialised treatment.

For the above, people must carry ID and comply with police checks. If your employees need to travel for work, they should have certificates confirming the purpose of their travel.

The following businesses have been ordered to suspend operations until 13 April 2020: department stores, malls, coffee shops, bars, nightclubs, cinemas, theatres, libraries, museums, casinos, betting stores, sports facilities, amusement parks, barber shops, hair and beauty salons, markets and bazaars, tourist and travel agencies, hotels, all services relating to air travel, with the exception of flights allowed by the Minister of Transport, Communication and Works, and cargo flights. Work on construction sites is not allowed if more than three workers are onsite, except for work in the public interest, for which there is a special licence from the Minister of Transport, Communication and Works. The operation of churches has been suspended, along with an Easter tradition (λαμπρατζιά).

The Decree suspends all retail trade related to food and beverages on Sundays, with the exception of 'mini-markets.'

The following businesses can operate normally: those related to the medical

sector, pharmacies, car mechanics, post offices and courier companies, veterinary clinics, telecoms companies, funeral services, nurseries, plant markets and flower shops, food retailers, restaurants and cafes that offer home delivery services, petrol stations, mini-markets, clinical laboratories and car cleaning companies.

There is a general school closure, including higher education and academic tutoring until 10 April 2020. The government encourages distance learning and has postponed all public examinations.

Only legal residents are allowed to be present in their houses/premises, with the exception of minors and visiting relatives or vulnerable people who are not self-efficient. Checks will be carried out by police, although they cannot enter private premises without a warrant. Citizens can notify police about any gatherings violating the Decree. Additionally, there should be no more than one person per eight square metres within any building, including employees.

In terms of travel, no more than three people including the driver, should travel together.

Homeworking is recommended and communication should be done by videoconferencing, telephone calls and email.

People are asked to stay two metres apart, both inside and outside.

#### 4 Pay

To protect both employers and employees, the government has implemented five emergency schemes and some additional supportive measures:

- The 'Special Part-Work Suspension Plan' is for employers that have partly suspended operations, meaning a reduction in turnover of over 25% in March 2020 and an expectation that the same will apply in April, compared to 2019. The reduction should be exclusively as a result of the pandemic. The basic requirement is not to proceed with any dismissals from 1 March 2020 until the plan ends, and for a period equal to the plan's duration plus one month. During this time, you cannot dismiss any employee for economic reasons. Affected employees are entitled to receive statutory unemployment benefit for as long as you suspend operations. The benefit paid will be 60% of the amount insured, up to a cap of EUR 1,214.
- The 'Special Total Work Suspension Plan' is for employers that have been forced to close as a result of the government's decisions. The basic requirement is not to proceed with any dismissals between 1 March 2020 until the plan ends, and a period equal to the plan's duration plus one month. During this time, you cannot dismiss any employee for economic reasons. The benefit will be 60% of the amount insured, up to a cap of EUR 1,214.
- The 'Special Benefit for the Self-Employed' is for self-employed people who have suspended work either partly or totally. Pharmacists, microbiologists, vets, medical suppliers and equipment operators, insurers, and insurance agents, mini market employees and salespersons, dairy product producers and public academic trainers are not eligible. The basic requirement for those applying is not to dismiss employers between 1 March 2020 until the plan ends and a period equal to the plan's duration plus one month. During this time, you cannot dismiss any employee for economic reasons. The benefit paid will be 60% of the amount insured and will vary between EUR 300 and EUR 900.
- The 'Special Sickness Allowance' is available to both employees and the self-employed who fulfil the following criteria:
  - They have specific health problems, are included in the list of vulnerable cases published by the Minister of Health, need to be absent from work to protect their health, and hold a medical certificate issued by their GP. This only applies to people who cannot telework or work flexibly.
  - They are absent from work because they have been told to stay away by the authorities and they hold a medical certificate issued by their GP or the Ministry of Health. This only applies to people who cannot telework or work flexibly.
  - They have coronavirus and hold a certificate issued by the Ministry of Health.
  - They are between 63-65, do not receive state pension and continue to work.
- The 'Special Leave for Employee-Parents' allowance is for carer of children of up to 15 years old. It has a maximum duration of four weeks and your consent is necessary. Only one parent can claim it and only where teleworking or working flexibly is not possible and they have no other help at home.

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## 5 Travel

The government has prohibited flights from 03:00 Cyprus time on 21 March 2020 for 14 days, with the exception of the transport of cargo between Cyprus and the rest of the EEA. Return to Cyprus is only allowed for those who travelled abroad for medical reasons and for those students studying abroad who are regarded as vulnerable by the Minister of Health. All returnees must quarantine for 14 days. Non-passenger flights to Cyprus carrying people wishing to leave Cyprus are exempt from the ban on flights. Flights to and from Cyprus for humanitarian reasons or individual flights for exceptional emergency circumstances are also exempt.

## 6 Discrimination

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

## 7 Reporting to the authorities

Anyone wishing to travel for work must have a certificate signed by their employer, plus ID. For all other permitted travel, those under 65 years old need to send a text to 8998 seeking government approval and must have their ID or

passport with them at all times. Those over 65 can complete a handwritten form, which they should carry with them along with their ID or passport.

Based on new Ministry of Health guidelines, if someone is infected, or thought to be infected, they should contact 1420, which operates 24/7, where they will receive step by step instructions on how to proceed. If you need more information about coronavirus, you can contact either 1450, which operates 24/7, or 1412 from 08:00 to 20:00.

You should avoid communicating any sensitive personal data about an individual and encourage the employee concerned to report their own case.

## 8 Advice from the authorities

Various governmental authorities and employers' organisations have issued guidelines, which can be found on their websites. The main ones are:

- Ministry of Health
- Ministry of Education
- Ministry of Labour, Welfare and Social Insurances
- Ministry of Finance
- Federation of Employers & Manufacturers (OEB)
- Press and Information Office (Coronavirus page)

## 9 Emergency laws and the implications for businesses

In addition to the measures in 4 above, there is a temporary suspension (until the end of April 2020) of the duty to file a tax return and pay VAT and there are certain other reductions of VAT in the pipeline.

The scheduled increased contribution rate to the General Health System, (from employees, employers, self-employed, income earners and the state as employer and third party) will now be postponed, from 1 April 2020 to 31 May 2020.

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# Czech Republic

Last updated:  
13/3/2020

## 1 Safety and hygiene

Consider common preventive measures including banning business trips (all trips or those to high-risk areas), restricting visits to the workplace, cancelling external meetings and training and supplying disinfectant. Where appropriate, remote working agreements can be concluded. Urge employees not to come to work if they feel ill and instead contact both you and their doctor. Agree on remote working or sick leave for them.

If an employee falls sick, send him or her home and ask him or her to contact the doctor by phone. The employee will be put on sick leave and should inform you without undue delay. Note that sick leave and remote working cannot be combined. The employee should ask the doctor for a medical opinion without being put on official sick leave and work remotely on full pay if his or her condition allows for work and the employee agrees. If an employee does not want to contact a doctor, put him or her on unpaid leave. Consult the public health authorities to establish if quarantine measures should apply to other employees. Based on this decision, other employees will either be permitted to continue to work, or be quarantined. Instead of quarantine you may agree that employees can work remotely while following other quarantine measures.

Inform employees about the measures you are taking to keep the workplace as safe as possible. Emphasise that the

state does not currently believe your workplace poses any danger.

## 2 Testing

You can ask employees whether they have travelled to a high-risk area as we believe this is a legitimate interest (ensuring health and safety). Employees should abide by health and safety regulations and employer's instructions of including to stay at home if they are ill (however, there are no existing court decisions on sanctions if an employee fails to do so). If a visibly ill employee refuses a medical examination despite your order, you can put him or her on unpaid leave (because they have created an 'obstacle to work'). You can and should advise employees to contact their own doctors or even to call emergency services, however, they cannot be forced by the employer.

## 3 Restrictions on daily life

The Ministry of Health adopted an extraordinary measure from 11 March 2020 prohibiting all students from physically attending schools (and prohibiting events with 100+ people). Employees who cannot work because they need to care for a child will not be entitled to continued salary (they can apply for state carer's benefit). If the child is infected, parent is likely to be in quarantine.

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

If an official order or regulation prevents employees from working, it is considered as quarantine for employment law purposes. You must pay these employees. You cannot mix sick leave and remote work, see point 1.

You can introduce partial unemployment if there is a temporary cut in demand for your services or products, either by an internal rule or by agreement with the relevant trade union. Employees will be entitled to at least 60% of their average earnings. If you have to interrupt business because of missing components/raw materials, they are entitled to 80% of average earnings. If you decide to close the workplace as a preventive measure (not official state quarantine) they are entitled to 100% of average earnings.

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### 4 Pay

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

### 5 Travel

You cannot prohibit employees from travelling to risk areas in their free time, but can inform them of risk areas and recommend they do not travel there. You cannot ask employees in advance where they plan to go on holiday or decide whether to allow it or not. You can order an employee to go on a business trip abroad, but the employee can refuse without being sanctioned if the trip is to an area flagged as risky by the Ministry of Foreign Affairs or Ministry of Healthcare.

### 6 Discrimination

Employees do not have the right not to work because, for example, a colleague has returned from Italy, nor the right to require a separate workplace. Employers must also prevent bullying. Should the situation escalate despite the employer's efforts, it is possible to consider issuing reprimand letters to bullying employees.

### 7 Reporting to the authorities

You can consult a hygiene station about employees who appear infected. In this case, you can provide the hygiene station with the necessary personal data. If a hygiene station gets involved on its own initiative, you may have to provide personal data (e.g. who the employee may have been in contact with and for how long).

### 8 Advice from the authorities

Anyone with permanent residence in the Czech Republic who return from Italy from 7 March 2020 is ordered to immediately report this to their GP, by telephone or other remote means without personal contact. GPs are ordered to impose a 14-day quarantine on these people. The Ministry of Health requests all citizens returning from affected regions stay at home and consult their doctor or regional hygiene station by phone or email. A doctor or epidemiologist will decide on the further course of action.

### 9 Other points

We recommend you monitor current developments and official communications closely as the situation is changing rapidly and could escalate to a declaration of a state of emergency which may alter some of the above.

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# Denmark

Last updated:  
1/4/2020

## 1 Safety and hygiene

The Danish Government has asked all organisations to follow the Health Authority guidelines and encourage their employees to do the same. At the same time, you should inform your employees of any relevant precautions that they should take based on Health Authority advice.

Many employees have currently been asked to work from home, but many are still working at their normal workplace. Irrespective of whether an employee works from home or at the workplace, the employer must make sure to follow the current Health Authority guidelines and inform the employees about them.

If an employee falls ill and suspects it may be coronavirus, the employee should be encouraged to follow Health Authority guidelines. Not everyone falling sick with symptoms that could be coronavirus is tested, so you will not necessarily be sure if an employee is infected. According to the current Health Authority guidelines, you should ask the employee not to attend work until 48 hours after last showing symptoms, if coronavirus is suspected.

## 2 Testing

Generally, you are not permitted to ask employees questions about their health, but as the Coronavirus may have a significant impact on employees' ability to

perform their work, if an employee becomes infected, he or she must let you know. In addition, processing of information on coronavirus is required for the employer to apply for reimbursement of sickness benefits under the new reimbursement rules relating to coronavirus.

You cannot force an employee to be tested for Coronavirus. However, special guidelines may apply to employees in certain sectors.

## 3 Restrictions on daily life

On 11 March 2020, the Government decided that all public sector employees must stay home and work from home to the extent possible unless they are 'essential employees.' For private sector employees, the Government recommends that employers ask their employees to work from home, if possible. If you decide that employees must work from home, you should consider setting up a policy (if you don't already have one) to cover this.

Even though the Government has decided to close all schools and childcare institutions, employees are still obliged to perform their work duties as requested by the employer under the current circumstances, even if they have not been able to make childcare arrangements. In practice, Danish employers will often make arrangements with employees regarding homeworking,

time off in lieu, holiday, etc., which should mitigate the challenges regarding this.

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

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

## 4 Pay

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

If they are infected with Coronavirus, employees will receive sick pay, provided they are normally entitled to it. If they are not entitled to receive pay during sickness, they will generally be entitled to sickness benefits from the public authorities instead.

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

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

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

A Bill on wage compensation for private sector entitles businesses to send home affected employees with full pay in the period from 9 March to 9 June 2020. The scheme applies to businesses that are facing dismissal of at least 30% of the

employees or more than 50 employees. The scheme covers employees employed by 9 March 2020, and employees can be sent home with wage compensation at one day's notice. Under the wage compensation scheme, the employer receives compensation. For salaried employees, the compensation to the business will amount to 75% of the employees' salary subject, however, to a cap of DKK 30,000 per month per full-time employee if the business chooses to send home the employees instead of dismissing them. For non-salaried employees, the wage compensation will amount to 90% of the employees' salary subject, however, to a cap of DKK 30,000 per month per full-time employee. For more details see [here](#) and [here](#).

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

## 5 Travel

The Government announced the implementation of border control at all of Denmark's borders from Saturday 14 March to 13 April 2020. Only travellers who can demonstrate a 'worthy or credible purpose' (*anerkendelsesværdigt formål*) for entering Denmark will be allowed entry; however, Danish nationals will always be permitted to enter Denmark. Business travel is generally not, according to the Danish authorities,

regarded as a worthy or credible purpose. For more details see [here](#).

## 6 Discrimination

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

## 7 Reporting to the authorities (when and what to report)

In Denmark, there has been a change of strategy from containment to mitigation. Thus, if a person develops symptoms of coronavirus infection, the person should stay at home or go home from work immediately. There is no general obligation to contact the authorities for a test and there is no general obligation to register or even contact a doctor.

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## 8 Advice from the authorities

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

## 9 Emergency laws and the implications for businesses

The Epidemic Act has been amended so that the Minister for Health may issue executive orders to ban gatherings of people, arrangements, events, etc. Thus, arrangements and activities where more than 10 people are gathered are now banned and night clubs, bars, restaurants, cafes, shopping malls (apart from convenience stores and pharmacies), indoor sports facilities and businesses that involve close physical contact with customers, such as hairdressers etc., have been closed. Bans and other restrictions apply until 13 April 2020 but may be extended. For more details see [here](#).

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

- a Bill on the possibility of compensation for fixed costs for severely affected businesses;
- temporary 'wage' compensation for the self-employed;

- Tax credits and VAT credits for severely affected businesses
- initiatives aimed at exporters taken by EKF Denmark's Export Credit Agency;
- extra state funded financial guarantees for new loans and credits granted to affected business;
- deviation from normal rest requirements due to *force majeure*.

Further amendments and measures are expected.

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# Estonia

Last updated:  
31/3/2020

## 1 Safety and hygiene

You and your employees must co-operate in the name of a safe working environment. In order to ensure a safe working environment and prevent employees from falling sick, you should take appropriate measures, including providing employees with necessary hygiene products and disinfectants and reminding employees of elementary hygiene procedures. You should provide employees with instructions on what to do if they have symptoms of the coronavirus and inform employees regarding the organisation of work during the rapid spread of the virus. It is also important to ensure cleaning of frequently used rooms, objects and surfaces and to avoid meetings and business trips.

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

## 2 Testing

In view of your statutory obligation to ensure a safe working environment for your employees, employers have a justified interest in knowing if any of their employees are infected or if they have recently travelled, so you can ask about this. Employees may refuse to tell you if

they are infected, but their refusal could be treated as a breach of occupational health and safety related duties. You are also entitled to require that an employee undergoes a medical examination.

## 3 Restrictions on daily life

### **Lockdown**

On 12 March 2020, the Government declared an emergency situation in Estonia.

All schools and facilities that provide hobby education in Estonia have been closed. Educational activities are carried out electronically via computers.

The Government has decided to take the following measures among others:

- to restrict the crossing of the state border and to reintroduce border control;
- to prohibit individuals (with exceptions) from leaving their place of residence or permanent place of stay within 14 calendar days of arrival in Estonia;
- to prohibit individuals (with exceptions) who are diagnosed with coronavirus and peoples living with them or residing in the same place with them from leaving their place of residence or permanent place of stay until they recover;
- to prohibit going to shopping centres;
- to prohibit all public gatherings, film screenings, nightclubs, shows/performances, concerts and conferences, sports and exercise events and visits to museums and other exhibitions;
- to prohibit visits to public sports halls, gyms, saunas, spas, sports clubs, swimming pools, water parks, day centres, casinos and slot machine halls, hookah cafés, recreation and entertainment facilities, including, for example, bowling, billiards, adult clubs, and children's playrooms;
- to prohibit staying after 22:00 in catering establishments, including restaurants, cafés and bars (this does not apply to going to a catering establishment for the purpose of takeaway or home delivery service);
- to prohibit more than two people to be together and move around in a public place;
- to oblige people to keep at least two metres from others indoors (except in homes) and places intended for public use.

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

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

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

If you are not able to provide employees with work to the agreed extent, you may agree with them on use of unpaid or paid leave (incl. annual holiday and different types of parental leave) or amendment of working time. However, if the employee does not agree to this, you may be entitled to reduce the employee's pay unilaterally. You may also terminate an employment contract extraordinarily if the continuance of the employment relationship on the agreed conditions becomes impossible because of a decrease in work volume, reorganisation of work or other cessation of work, including as a result of the coronavirus.

## **4 Pay**

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

If an employee has returned from travel and must therefore stay home for 14 days but has no symptoms of the coronavirus,

he or she will not be granted preventive sick leave. In this case, you may ask the employee to work from home by providing full payment for the entire time they are working from home. If working from home is not possible because of the nature of the work or because the employee does not agree to it, the parties must agree on another solution acceptable to both parties (e.g. use of leave, change of work tasks etc.). However, the employer must pay the employee an average remuneration for a reasonable period (must be assessed by the parties).

If an employee has symptoms of coronavirus, he or she will be granted a sick leave by the doctor. The sick leave may also be granted if the employee has had direct contact with a person with coronavirus. The first three days of illness are currently unpaid. Sickness benefit is paid by the employer from days four to day eight and by the Health Insurance Fund from day nine. However, reimbursement for the first three days of illness by the Health Insurance Fund is currently under discussion.

If, due to unforeseen economic circumstances beyond your control (e.g. the coronavirus), you cannot provide an employee with work to the agreed extent and payment of the agreed salary would be unreasonably burdensome on you, you may reduce the employee's salary for up to three months over a period of 12 months to a reasonable extent, but not

below the minimum wage established by the Government of the Republic.

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

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

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



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The Estonian Unemployment Insurance Fund will compensate 70% of the average gross wages of the employees (calculated on the basis of the last 12 months), but not more than EUR 1,000 per month. Employers are obliged, while receiving the aid, to pay at least EUR 150 per month to their every employee. The taxes will be paid by the Estonian Unemployment Insurance Fund and by the employers themselves.

## 5 Travel

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

## 6 Discrimination

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

## 7 Reporting to the authorities

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

## 8 Advice from the authorities

The Health Board has advised people to properly observe hygiene requirements, stay at home and avoid any unnecessary social contacts. For recent updates please see the information on the [Health Board's webpage](#).

## 9 Emergency laws and the implications for businesses

The Ministry of Finance has announced that interest will not be applied on tax arrears for the period of 1 March to 30 April 2020. The relief is applied automatically to all tax arrears during this two-month period regardless of whether the debt arose within this period or earlier. It is still important to submit tax returns on time and settle tax obligations, but tax interest will not accrue during these two months if it becomes impossible to make a full tax payment in time. As a longer-term relief measure, the Ministry of Finance proposes decreasing tax interest from 0.06% per day to 0.03% per day.

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

There is also discussion of suspending pension contribution payments during the emergency situation, but no binding decisions have been made yet. This arrangement would, however, not affect employer's tax liability, since pension contributions are withheld from the gross amount paid to the employee. The net payment to employees would only increase by the former pension contribution (2%), which would not be withheld by the employer if this arrangement takes effect. Currently, there are no changes to salary taxation and all regular tax and social security payments are still due.

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# Finland

Last updated:  
26/3/2020

## 1 Safety and hygiene

Employers should ensure that all employees are aware of good hygiene practices as recommended by the Finnish Institute for Health and Welfare. You should plan and prepare in advance for a situation where a growing number of employees get sick with a plan for remote working and extra staff.

You should give employees instructions regarding proper hand hygiene, provide advice on what to do if employees have symptoms and generally keep them informed of the workplace strategy against coronavirus. You should instruct any employee with symptoms who has arrived from a risk area to contact occupational health care.

## 2 Testing

You may not ask an employee any health-related questions without his or her consent. You can, however, enquire about employees' travel destinations, as long as no medical information is asked.

Employees have a right to privacy for health-related information, and can refuse to tell you that they are infected. However, you will receive information from occupational health on whether an employee is infected if he or she is tested.

You may request that an employee undergo a physical examination. The

employee may face consequences if he or she does not comply with the request.

## 3 Restrictions on daily life

### **Lockdown**

According to the Communicable Diseases Act, schools may be closed when there is an extensive risk of infection of a generally hazardous communicable disease. Decisions regarding closure may be made for a period of one month at the most. Currently, schools in Finland are closed, with some exceptions regarding younger students.

The government has closed Finnish borders to travel in and out of Finland, excluding work travel and transportation of goods. The government is currently also proposing to temporarily close the borders of the region of Uusimaa, which includes the capital region of Helsinki, to contain coronavirus. In addition, the government is proposing closure of all restaurants, cafes and bars from visitors until end of May.

### **Employers' response**

Sick employees may be allowed to stay at home if they decide to, i.e. without a request to visit a doctor for a medical certificate during their first days of sick leave. You should instruct employees regarding remote working and develop criteria for remote working.

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

You may choose to close the workplace, but in most cases, must continue paying salary to the employees. You may also consider temporary layoffs and close the workplace because of business disruptions caused by the epidemic. You must however consult the employees prior to implementing the temporary layoffs.

As long as they have executed a mandatory co-operation consultation period or lay-off notice period, employers can terminate employment contracts or use temporary lay-offs. The Finnish government has temporarily shortened the minimum consultation and lay-off periods. Lay-offs may be partial (reducing working hours or days) or full. However, terminating employment requires financial or production-related grounds and the work available has to have diminished substantially and permanently without any other work being available to offer the employee.

## 4 Pay

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

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

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

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

The Finnish government has yet to introduce direct temporary benefits for employees and gig economy workers. Finnish labour market parties have proposed that the government temporarily improve income and social security for laid-off employees.

## 5 Travel

You should control business travel, especially to risk areas. You can ask employees who have visited risk areas to work remotely, even if they do not have any symptoms of coronavirus. Currently, necessary work travel within Finland is not restricted.

## 6 Discrimination

You must not prohibit or punish employees for personal travel to risk areas or on the basis of nationality, family relationships or origin. Unfavourable acts against the employee on these grounds may constitute discrimination.

## 7 Reporting to the authorities

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

## 8 Advice from the authorities

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

## 9 Emergency laws and the implications for businesses

The Finnish government has declared a state of emergency due to the coronavirus epidemic. The most recent proposal is to prohibit restaurants, cafes and bars from receiving visitors. The government has enacted many measures to support businesses, for example direct financial support and relaxing the terms of tax payment arrangements. It has also introduced measures of financial support (e.g. loans and pledges) to businesses, which apply to gig workers who operate under a commercial name.

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## 10 Other points

It is advisable, that employers take all measures necessary to protect the wellbeing of their employees. Employers are obliged to ensure the wellbeing and work safety of employees working remotely, for example by monitoring working hours, ensuring the employee has all necessary working equipment and that the employees receive necessary guidance for their work. As the epidemic is ongoing, further lockdowns and prohibitions may be enforced in the coming days and weeks.

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# France

Last updated:  
30/3/2020

## 1 Safety and hygiene

It is recommended you remind employees of the usefulness of basic 'barrier' measures: coughing into your elbow, using disposable tissues, washing hands regularly and avoiding non-essential contact.

If there is a risk of contamination, contact with the infected person should be avoided. While awaiting a diagnosis, it is therefore advisable that the infected employee not be in contact with his or her colleagues (by remote working, taking leave or rest days).

Preventive measures and what to do if infection is suspected should be outlined.

## 2 Testing

Given your obligation to ensure employees' safety, you can ask employees whether they are infected and whether they have recently travelled to a high-risk area. An employee can refuse to tell you if they are infected, but this refusal could be a breach of the duty of loyalty in their employment contract.

At this stage, we do not believe you can force an employee to get tested for coronavirus.

## 3 Restrictions on daily life

### **Lockdown**

France has been on lockdown since 17 March and will be until 15 April. Day-care centres, schools, universities, shops, museums and, generally all places receiving the public are closed. Companies can continue to operate but teleworking should be the rule, as far as possible. Travel is reduced to what is strictly necessary on French territory. Derogations on the basis of a certificate are possible mainly for:

- Journeys between home and the place where professional activity is carried out, if essential for the exercise of activities which cannot be organised in the remotely (permanent proof of this must be available) or professional journeys which cannot be postponed.
- Travel to make essential purchases in authorised establishments.
- Travel for health reasons.
- Travel for imperative family reasons, for assistance to vulnerable persons or for childcare.
- Short journeys (within a one-kilometre radius from home and for up to an hour daily), close to home, for individual physical activity, excluding collective sports practice and for pets' needs.

## ***Employers' response***

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

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

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

## 4 Pay

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

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



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### Temporary pay support

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

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

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

### 5 Travel

Only business trips that cannot be postponed are permitted. Before considering or arranging business travel, we advise employers to check the current travel advice on the [French Foreign Ministry website](#). You should weigh decisions whether to carry on with business trips according to various criteria: the necessity of the trip, the impossibility or otherwise of taking alternative measures, the employee's personal circumstances, the level of risk specific to the destination, etc. You must

inform employees concerned of the measures to be taken while they are travelling for business (measures recommended by the French and/or local authorities, and give them means to comply with them. You should anticipate that an employee may exercise his or her right of withdrawal if he or she has reasonable grounds to believe that the trip may create a serious and imminent danger to health. People residing in France are also prohibited from travelling to a number of countries as a result of the epidemic.

### 6 Discrimination

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

### 7 Reporting to the authorities

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

### 8 Advice from the authorities

If you have any symptoms: stay home, avoid contact, call a doctor. If symptoms

worsen with breathing difficulties and signs of choking, call the SAMU - Centre 15 (emergency medical service).

### 9 Emergency laws and the implications for businesses

Parliament passed an emergency law authorising the Government to take measures without a vote in Parliament ('ordinance'). The Government has already issued an important series of texts (suspension of measures; simplification; adjustments; provisional rules and deadline extensions) and is due to continue in the coming days.

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

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# Germany

Last updated:  
1/4/2020

## 1 Safety and hygiene

In a highly contagious pandemic context, you cannot rely on 'general' prevention measures taken previously. Consider ramping up hygiene levels, cancelling unnecessary meetings and restricting travel. Keep a close eye on new developments.

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

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

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

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

## 2 Testing

Employees must inform you if they are infected or have recently travelled to a

high-risk area based on their duty to prevent damage to you and their colleagues. This includes providing information about close relatives or other contacts who are ill or about private trips to official risk areas. An employee would be in breach of their contract and risk severe consequences (from contractual sanctions to damage claims) if they do not tell you they are infected. You cannot force an employee to get tested for coronavirus.

## 3 Restrictions on daily life

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

Fear of infection does not entitle employees not to come to work. You can only order employees to work from another place (home or other) if their contracts or applicable collective agreements allow it.

You can ask whether a sick employee has been in a risk area and order them to stay at home for a few days as a precautionary measure if they have been.

Whether the employee will be entitled to continued salary payments depends on the circumstances.

If necessary, you can decide to shut down operations. In this case, employees are entitled to salary payments if they cannot work remotely. Consider making use of holidays, flexitime accounts or short-term work to mitigate the effects of a closure.

## **Lockdown**

For many retailers and food/hospitality businesses, precautionary lockdowns have been ordered by the health and safety authorities. While there is no general lockdown, Germany has issued a 'soft' lockdown, prohibiting gatherings of more than two people outside of those living in one household or family.

## **Employers' response**

Employers affected by authority closure orders have no choice but to comply and must investigate methods to deal with the burden of not being able to employ staff but having to pay their wages. As a result, many employers make use of a government benefit scheme simplified in the light of coronavirus: short-time working (please see 4 below). In addition, delaying salary pay-out dates and pay increases, and attempting to lease out unutilised staff to industries in need of labour are common strategies.

## 4 Pay

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

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

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

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

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

Germany has amended a government support scheme in the light of coronavirus. Under the short-time working scheme, employers must find a legal basis to reduce their employees' working time (e.g. works agreements or amendments to the employment contract) up to a maximum of zero working, which triggers a corresponding reduction in salary. Employers can then file for state

benefits which cover roughly two thirds of the net loss in salary for the employees. The scheme is limited to staff fully insured in the German social security system.

## 5 Travel

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

## 6 Discrimination

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

## 7 Reporting to the authorities

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

You may be allowed to collect and process employee health data to fulfil your obligations towards other employees, but it must be proportionate and necessary. For example, before a medical examination is offered and carried out, conduct a survey to find out about any infected contacts or risk area travel.

## 8 Advice from the authorities

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

## 9 Emergency laws and the implications for businesses

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

## 10 Other points

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

You should take this situation as an opportunity to make sure your crisis preparation plans are updated, and that arrangements exist to allow you to react flexibly to this type of event in future to minimise business impact. Furthermore, with a view to a coming economy upturn, a plan should be put in place to scale up operations again as the business need requires. The crisis measures taken now should allow for such a flexible return to business as usual.

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# Greece

Last updated:  
1/4/2020

## 1 Safety and hygiene

If you employ workers who have coronavirus symptoms or have been exposed to family members with symptoms reported by the National Public Health Organisation (EODY) you must recommend they remain at home, and accept that they refrain from their work duties as soon as you become aware of this, in the context of protecting the worker's health, that of his or her colleagues and third parties in the workplace, both to prevent coronavirus transmission and to protect employees' health and safety in accordance with the applicable labour law. It is recommended you follow the EODY's disinfection guidelines as listed on its website (section: '[Guidelines for the Environmental Cleaning of Non-Sanitary Units Exposed to SARSCoV-2 Virus](#)').

You may decide that the work provided by an employee on site described in his or her employment contract can be carried out remotely (teleworking) if this is feasible, providing him or her with the necessary equipment.

## 2 Testing

Employers are not generally entitled to request employees provide detailed information on all their personal travel, because this falls within the scope of employee's privacy. However, within the framework of protecting employees' health and with regards to the 14-day

mandatory quarantine at home of anyone entering Greece, it is reasonable to ask employees to inform you in good time if they travel to, or return from, regions considered to be a source of the coronavirus outbreak, as they should stay home.

An employee must immediately report all situations that present an immediate and serious risk to their safety and health, to help you fulfil all the duties or requirements imposed by the competent labour inspection to protect workers' safety and health and to help you ensure that the environment and working conditions are safe and without risks to safety and health in their area of activity. There is only a general obligation to report, without any more specific detail regarding the coronavirus infection.

You can require a medical check for employees accessing the office, with the consent of employees' representatives or after a meeting with the employees' Health and Safety Commission (if there is one). Please note that the representative(s)' or commission's decision should be backed up with reasons and follow consultation with them. Any medical check carried out should comply with the principles of respect for human dignity and be carried out individually. If the organisation has an occupational doctor, he or she can examine the employee(s) upon return to work. In any case, the organisation's occupational doctor keeps a medical record for each employee. The medical

record includes an individual Occupational Risk Booklet, which records the results of medical and laboratory examinations each time an employee is subjected to them.

## 3 Restrictions on daily life

### Lockdown

Schools in Greece are currently closed, as well as all kinds of mass assemblies, theatres, cinemas, sporting and artistic events, visits to archaeological sites and museums are suspended. Services in all areas of religious worship of any religion are also suspended. However, churches will remain open for individual prayer only.

The government has suspended a number of commercial activities, such as shopping malls, retail shops, bars and cafes, except for those providing delivery and takeaway services. Sports facilities, in addition to open areas, beauty centres, ski resorts and organised beaches will remain closed. Food shops, supermarkets, pharmacies, and bakeries, as well as banks and gas stations are open. Supermarket opening hours have been extended.



In order to cover the above working hours, the new Legislative Action (the 'Law') states that, for a period not exceeding six months from the date of entry into force of the Law, employer-companies that have already exhausted the legally prescribed overtime limits of their employees may employ them overtime without the relevant approval of the Ministry of Labour and Social Affairs.

The government has also temporarily banned seasonal tourist accommodation in the whole territory, for preventive public health reasons, for the period from 15 March to 30 April. For tourist accommodation already in operation at the publication date of this decision, the ban entered into force on 23 March and will last until 30 April 2020. The Ministry of Tourism has announced that only one hotel will operate per regional unit.

In view of the prohibition on traffic and crowding, all citizens must keep their ID card or passport with them, along with a completed traffic attestation form (printed or handwritten) or a confirmation SMS to 13033, to display in the event of inspection. The only permitted movements are:

- visiting a pharmacy or doctor if this is advisable after contact;
- going to supply stores (supermarkets, mini markets) for essential goods, where they cannot be shipped;

- going to a bank if an electronic transaction is not possible;
- helping vulnerable people;
- going to a ceremony (e.g. weddings, funerals) subject to applicable conditions;
- moving between divorced or separated parents subject to applicable provisions;
- physical activity outdoors or exercising a pet (individually or two people maximum).

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

Special Purpose leave: Parent employees, in both the public and private sectors are entitled to two weeks' leave until Friday 10 April to take care of their children during the schools' suspension. This leave requires at least one parent to work in the private sector as an employee, even if the other parent is self-employed.

Employees who have at least three months of service are entitled to the full special leave. New recruits with less than three months' service are entitled to special purpose leave in proportion to their days of normal leave. The special purpose leave is for a minimum of four days, one of which is treated as regular leave (that is, deducted from the employee's total annual allowance) and the other three are provided as a 'special' coronavirus leave, which is fully remunerated and not deducted from

regular employee's leave, but paid two-thirds by the employer and one-third by the state. This leave may be extended by ministerial decision depending on the spread of the coronavirus. The employer is required to declare employees making use of this leave, and its duration, after 10 April 2020 and in any event until 15 April to the Ministry of Labour's 'ERGANI' Information System.

In the context of emergency and temporary employment measures to combat and limit the spread of coronavirus, and for any period not exceeding six months after the entry into force of this Law, employers can decide unilaterally to establish a safe shift work system for their business. Each employee can be employed for a minimum of two weeks with a reporting period per month, continuously or intermittently. This work system will be organised weekly and comprise at least 50% of staff.

An employer who applies this work system must keep the same number of employees employed as at the time it started. At the end of each month the employer must declare it is applying this work system in a special form in the ERGANI Information System.

In the event of the mandatory temporary closure in accordance with a Government Mandate, the employment relationship is completely suspended, in accordance with Article 380 of the Greek Civil Code. This means employees are not obliged to provide work and the employer is not required to reimburse the salary and the social security contributions for the period of the ban. Furthermore, employers who are severely affected by the consequences of the coronavirus outbreak that need to adapt their operation to this unfavourable environment, can decide to suspend employees' employment contracts. For pay arrangements, please see 4 below.

## 4 Pay

### *Sickness and quarantine pay*

Businesses that are not subject to a mandatory temporary ban are entitled to require employees who, for business or personal reasons, travel to contagious areas, to stay out of offices or other sites for health and safety reasons. However, you will remain obliged to pay employees' salary for the period that these precautionary measures remain in force. You must also provide all employees subject to these measures with the suitable means and IT equipment (i.e. laptop, mobile phone etc.) to work remotely. Otherwise, employees can reject working from home and request their usual pay. In this case, you could suggest employees take paid leave, in

addition to their annual paid leave entitlement. In any event, in most cases it is expected that employees would consent to temporarily working from home.

### *Temporary state support for pay*

Employees whose employment contracts are suspended, as well as those who were forced to resign or dismissed after 1 March 2020, regardless of whether they are eligible for unemployment benefit, are entitled to an exceptional financial allowance of EUR 800 from 15 March to 30 April 2020, with full social security contribution coverage, calculated on their nominal wages. The amount of EUR 800 is tax-free and cannot be seized or offset. Workers' social security contributions are covered by the state budget. This measure can be extended for one month, with the possibility of extension, if the current conditions have not improved.

For the period an organisation makes use of this measure in exceptional circumstances, it is expressly forbidden to terminate the employment contracts of all their staff and any dismissal made on or after 18 March 2020 is invalid.

Employers who are subject to, or have been subject to, a temporary restriction following a public authority order, must submit a statement to the ERGANI Information System declaring the suspension of their principal business activities; workers whose employment contracts are suspended; and any

employees whose employment contract has been terminated from 1-20 March 2020 either by dismissal or voluntarily. Employers who fail to declare suspended employees cannot benefit from instalments or partial payment facilities of any type of certified debt to the state.

Employees who work in a dependent employment relationship with the employers referred to in the previous paragraph must submit an individual statement on an electronic platform kept for this purpose by the Ministry of Labour and Social Affairs. In it, they must declare their personal information, their bank account information (IBAN), and the details of the company in which they work in order to be included in the special support mechanism. Finally, if they rent a house, they should also provide information related to their lease, as they are exempt from the obligation to pay 40% of the total rent for March and April 2020.

## 5 Travel

According to the latest government measures, passengers that travel to Greece will be put in quarantine at home for 14 days. Anyone who infringes this measure will be subject to an administrative fine. Transport of passengers by ferry between Greece and Italy is suspended. Freight transport between these countries will continue unaffected. Cruise ships are forbidden to dock in all Greek ports.

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Road, sea and air links to Albania and Northern Macedonia, with the exception of freight transport and entry into the country for Greek nationals or residents are closed. The government has decided to cut all air links with Spain. Entry of non-EU citizens is forbidden unless travelling for severe family or work-related reasons.

### 6 Discrimination

No specific considerations.

### 7 Reporting to the authorities

No measures currently in place.

### 8 Advice from the authorities

No measures currently in place other than described above.

### 9 Emergency laws and the implications for businesses

The operation of courts and prosecutors has been suspended period from 13 March to 10 April 2020, including military courts, as well as the National School of Judicial Officers, with the exception of functions relating to the provision of temporary judicial protection and the publication of decisions relating to anti-coronavirus measures.

Employers who are severely affected by the coronavirus outbreak, as well as those whose operation is temporary banned by Government Mandate are entitled to certain special financial arrangements, including suspension of social security contribution payments for February and March, for three months, without interest and surcharges on affected employees, suspension of payment of regulated debts to social security and the suspension of expiration, appearance and payment deadlines from 30 March to 31 May 2020 on securities due for 75 days from the date stated on each security.

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# Hong Kong

Last updated:  
31/3/2020

## 1 Safety and hygiene

You are legally required, so far as is reasonably practicable, to ensure the safety and health of all employees at work, including those who are particularly at risk for any reason. You should take simple precautions, such as: temporary suspension of work trips; educating staff on hand and respiratory hygiene; carrying out regular disinfecting and cleaning, particularly in relation to frequently-touched communal areas; carrying out risk assessments; and following government guidance.

## 2 Testing

You may ask employees for information about their health, but this information will be categorised as 'personal data', and should be handled in accordance with the Personal Data (Privacy) Ordinance. You may also require employees to disclose their recent travel history and notify you if they have recently travelled to an affected area. In view of your duty to ensure the safety and health of all employees at work, you may require employees to see a doctor if you reasonably suspect that the employee may have contracted the virus.

## 3 Restrictions on daily life

### ***Lockdown measures***

The Government has published the Prevention and Control of Disease

(Prohibition on Group Gathering) Regulation on 28 March. This Regulation empowers the Secretary for Food and Health (SFH) to prohibit group gatherings of more than four people in public places. The measure took effect on 29 March and will last for 14 days until 11 April.

Exempted group gatherings will include those: for purposes related to transportation; for performing any governmental function; at places of work; for the conduct of proceedings in court or in the Legislative Council; during a funeral; and for a wedding ceremony where there are no more than 20 people and at which no food or drink will be served.

The Government also published the Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation on 27 March. This Regulation empowers the SFH to issue requirements and directions. Accordingly, the SFH has issued a direction with requirements on all catering premises including the following:

- The number of customers at any one time must not exceed 50% of the normal seating capacity of the premises.
- Tables must be arranged in a way to ensure there is a distance of at least 1.5 metres or must be partitioned in some way.

- No more than four people can be seated together at one table.
- A person must wear a mask at all times except when consuming food/drink.
- Body temperature screening must be conducted prior to allowing entry.
- Hand sanitisers must be provided.

These requirements will commence on 28 March at 18:00. for a period of 14 days. Individuals responsible for carrying on catering premises and managers of scheduled premises will be subject to a maximum fine of HKD 50,000 and imprisonment for six months for contravention of the SFH's directions as outlined above.

A second direction of the SFH has required the closing of 'scheduled premises', such as amusement game centres, bathhouses, fitness centres, places of amusement, places of public entertainment and any premises that are maintained or intended to be maintained for hire for holding social gatherings.

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

During this difficult time, there are multiple measures employers can consider taking.

You should be flexible and agree to requests for working from home in line with any usual flexible working and/or homeworking policies where possible. Make clear that homeworking does not create a permanent variation to the employee's terms of employment and consider reserving the right to require workplace attendance on short notice. Give special consideration to requests from vulnerable individuals and employees with dependants who need care.

If you decide to close the office or other workplace, you may choose to pay employees as usual or consider directing employees to take their statutory annual leave (in this case, 14 days' advance notice is required unless a shorter time has been mutually agreed), contractual annual leave (i.e. above the statutory entitlement) or unpaid leave during any period of closure. If you differentiate between statutory and contractual annual leave, you may direct the employee to take contractual annual leave. If no differentiation is made, the 14-day advance notification rule also applies to contractual annual leave. You may consider offering employees a reasonable amount of time off to deal with unexpected events involving their dependants, including an unexpected school or nursery closure. This can be paid or unpaid.

Other possible measures include:

***Withholding remuneration:*** If the company has cash flow issues, employers may seek employees' consent for a percentage of their monthly remuneration to be withheld. This will be repaid by a certain date in the future once cash flow problems have eased. Employee consent must be obtained, otherwise a disgruntled employee may claim constructive dismissal and/or unreasonable variation of employment terms. The risk of the employee bringing this type of claim applies to all of the alternative suggestions below (except for termination).

***Unpaid leave:*** You can ask employees to take unpaid leave for a period of time. Similar to the above, employee consent must be obtained.

***Reduction:*** You can reduce employees' working hours, and remuneration by a corresponding amount. Again, consent is required. Any unilateral reduction would be unlawful and would constitute a criminal offence.

***Annual leave:*** You can ask employees to take their annual leave during this period (see above).

***Termination:*** It is also possible to dismiss an employee on the ground of redundancy. No mandatory consultation process is required. There is also no concept of collective redundancy or unfair dismissal in Hong Kong. The employer

should ensure that the employee is paid out all his or her statutory and contractual entitlements upon termination (this would usually comprise of wages, accrued but unused annual leave, payment in lieu of notice, statutory severance (if the employee has two or more years of service), outstanding expenses and any other contractual payments). It is fine for an employer to seek to re-hire the employees when the situation improves.

## 4 Pay

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

Employees are entitled to the usual sick leave and pay provisions in their employment contract, which normally includes any entitlement to statutory sickness allowance. Employees will be entitled to receive statutory sickness allowance during their sick leave if they are sick for four or more consecutive days, the leave is supported by a valid medical certificate and the employee has accumulated a sufficient number of paid sickness days. If an employee is put under compulsory quarantine, he or she will be issued a medical certificate by the Government and the above comment regarding sick leave and pay will also apply.

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

See general economic support measures under 9, below.



## 5 Travel

Under current Government guidance, from 25 March, non-Hong Kong residents coming from overseas countries will be denied entry to Hong Kong; non-Hong Kong residents coming from the Mainland, Macao and Taiwan will be denied entry to Hong Kong if they have been to any overseas countries in the past 14 days; all transit services at Hong Kong International Airport will be suspended; and all travellers coming from Macao and Taiwan, including Hong Kong and non-Hong Kong residents, will be subject to a 14-day compulsory quarantine (which is the same as arrangements for people entering Hong Kong from the Mainland). These measures have been tentatively implemented for 14 days and may be subject to further extension.

Hong Kong residents arriving in Hong Kong who have been to the following countries in the past 14 days will have to stay in a quarantine centre for quarantine: Daegu and Gyeongsangbuk-do in Korea; Iran; and Emilia-Romagna, Lombardy and Veneto regions in Italy. Hong Kong residents arriving in Hong Kong who have been to any other overseas countries in the past 14 days will be subject to compulsory quarantine, either at home or a hotel, which will be monitored by electronic wristbands and other forms of surveillance such as spot checks.

Employers insisting on employees travelling to areas where the Government

has advised against travel would be in breach of their health and safety duties. You should carry out risk assessments in relation to employees travelling elsewhere. If an employee refuses to travel, in breach of their contract, it might be possible to take disciplinary action, but before doing so it would be wise to investigate whether the employee has any particular reason for not wanting to travel. Currently, the Government advice is to delay all non-essential travel outside Hong Kong.

## 6 Discrimination

Any request not to attend work should be related to potential exposure to the virus and should apply to all staff regardless of nationality or ethnicity, otherwise this could give rise to direct race discrimination claims. Refusing to approve personal travel to badly affected areas may indirectly discriminate against certain employees (e.g. staff of Chinese ethnic origin) because it would disproportionately affect them. However, any claim is unlikely to succeed given the purpose of limiting travel is for health and safety reasons. Employers can be vicariously liable if employees racially harass colleagues and employers will only avoid liability if they can show that they took 'all reasonable steps' to prevent employees behaving in such a manner.

## 7 Reporting to the authorities (when and what to report)

There are currently no reporting requirements placed upon employers in Hong Kong.

## 8 Advice from authorities

[Centre for Health Protection – Coronavirus News.](#)

[HKSAR Government Press Releases.](#)

[COVID-19 Thematic Website](#)

## 9 Emergency laws and the implications for businesses

On 21 February, the Hong Kong government approved the HKD 30 billion anti-epidemic fund, aimed to support and enhance businesses and sectors affected by the Covid-19 outbreak. The fund covers a wide range of sectors in the community, including but not limited to: the Hospital Authority (HKD 4.7B), Transport sector (HKD 3.23B), Retail sector (HKD 5.6B), Property Management sector (HKD 1B), Food Business sector (HKD 3.73B) and the Supply of Protective Equipment (HKD 3.3B).

The fund includes multiple schemes that are tailored to each sector, with the Hospital Authority and Retail sector receiving the highest percentage. Applications for these schemes have already become available and the disbursement of subsidies has begun, with the Tourism sector receiving their payments on 13 March.

Additionally, the Hong Kong Government announced in February that they would be giving all Hong Kong residents aged 18 and above a HKD 10,000 cash handout. The details of this are yet to be announced, with the application process most likely starting in the summer months (at the earliest). However, it is unclear when people would actually receive these payments.

### 10 Other points

There is still uncertainty about the exact characteristics of the coronavirus and its transmission. Official recommendations may change, as experts learn more about the virus and the nature of the outbreak. Other employment issues may come up if the outbreak spreads more widely. Employers should keep the situation under review and stay alert for further government guidance.

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# Hungary

Last updated:  
31/3/2020

## 1 Safety and hygiene

Under the Labour Code, all employees must fully cooperate and comply with all requirements and instructions you give to protect their health. Most employers where it is possible, are currently allowing remote working ('home office') during the current emergency.

You should work out a communication system, set up a hotline and provide employees with key, regularly updated information on the epidemic and what to do. Contact the organisation's doctor to clear and agree the tasks, such as frequency of medical examinations.

If someone feels sick, they should call and inform you. Immediately order the employee to stay away from work and contact their local GP. If they become sick in the workplace, order them to phone the organisation's doctor who will take the necessary treatment measures. You should report the case to National Epidemic Agency giving the name of the doctor who treated or examined the affected employee.

Frequently check on employees' health and introduce a special reporting system.

## 2 Testing

You can require employees to report if they are experiencing any symptoms or whether they have taken trips to infected countries or been in contact with an

infected person or with someone who has arrived from a high-risk country, even if they have no symptoms.

An employee cannot refuse to tell you if they are infected.

You can require an employee to go for examination from the organisation's doctor, who will decide the next step: acting on this is mandatory for you and the employee.

## 3 Restrictions on daily life

### *Lockdown*

The Hungarian government has declared state of emergency due to the novel coronavirus (COVID-19) epidemic. Universities, schools and nurseries are closed and have moved to remote learning.

Limited movement is allowed only for justified purposes, such as work, individual sport activities, buying groceries, taking healthcare treatment, religious activities, manicure etc. In practice it does not limit activities. Bars and restaurants are closed completely, only home delivery is possible.

Everyone (except for members of the same household) must keep a distance of 1.5 meters from others during all times.

Between 09:00 and 12:00, only those above 65 years old may shop at grocery

stores, drugstores, markets and pharmacies. Everyone below 65 years of age shall visit these stores in the hours that fall outside this period.

### *Employers' response*

Where possible for your business, you can order employees to work from home at any time for a temporary period.

Anyone who feels sick or experiences symptoms should notify their local GP who will advise them what to do, whether to stay at home and for how long. In a serious case when hospital treatment is necessary, the doctor will arrange emergency service to take the patient to a special hospital.

You can decide to close your business at any time even if there is no declared epidemic situation. If you do, employees must be paid. The government can also order closure, and in that case the employees may be put on unpaid leave.

Alternatively, employers may suspend payment of cafeteria, postpone pay raises or payment of bonuses. They can also reduce their activity, using temporary lay-off measures, and reduce working hours and wages with employees' agreement. Employers can send employees for the majority of their annual holiday or dismiss employees for operational reasons without their consent.

It is possible to invoke *force majeure* if your operation is affected directly by *force majeure* and put employees on unpaid leave.

## 4 Pay

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

If a person is declared sick by his or her GP, they will be entitled to sick leave pay. It is paid by the employer for the first 15 days and thereafter by the national healthcare fund.

A person without symptoms may be quarantined. If they are sick, they will be treated in hospital.

If employees are ordered to stay away from work by you as a precaution, they are entitled to their wages. If they are quarantined by order of authorities or should stay at home because of a declared epidemic, their absence from work is justified, but will be unpaid. Of course, you can choose to pay the affected employees' salary, even if not legally obliged to do so.

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

Unfortunately, unlike most EU countries, the Hungarian government does not provide any aid to employees in these circumstances and has not taken over paying part of their wages to save jobs. On 31 March, the Hungarian government announced that it does not plan to offer

support or any kind of aid to employees or employers, but they plan to save jobs by investing state money into 'viable companies' in return for stake. This is a simple method of nationalisation and would not help small and medium-sized companies to survive.

Some smaller measures have been taken. Since 18 March in the following sectors employers need not pay contributions for their employees, and employees' contributions are also significantly reduced (they need not pay pension contributions and health insurance contribution is reduced to the minimum set by law) until 30 June 2020:

- tourism;
- hospitality (e.g. restaurants and hotels);
- entertainment;
- sport;
- cultural services;
- passenger transport.

## 5 Travel

Incoming international civilian train, bus and air traffic (except without landing) is suspended from China, Italy, South Korea, Israel and Iran. Only Hungarian nationals (EU nationals with a permanent permit are treated as Hungarian nationals) may enter Hungary from abroad. Border inspections have been reinstated on the Schengen borders. Arrivals from the abovementioned

countries are put into mandatory home isolation (quarantine) for two weeks.

## 6 Discrimination

Any form of discrimination is prohibited.

## 7 Reporting to the authorities

Employees should report to the GP if they return from an epidemic area or if they feel sick. Your contracted doctor should report if they find a suspicious case. Reporting on sensitive personal health information and healthcare falls under the legally regulated special professional secrecy obligation. There is no GDPR issue as the employees themselves report their status, and the employer will only call the contracted organisation doctor if there is any suspicion. They should not share any sensitive personal information with you and only warn you if extra measures or closure is needed.

If a case is identified in the workplace or among the employees, you should report it to the National Epidemic Agency, giving details of the doctor(s) who treated or examined the affected employee.

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## 8 Advice from the authorities

Under the state of emergency, Individuals in mandatory home isolation may not leave their home for two weeks and quarantine violators may be punished (the police are authorised to sanction violations).

All indoor events, regardless of participants are prohibited (except for weddings and burials), effectively resulting in the closure of cinemas, theatres and concerts. Shopping centres and supermarkets are not affected by this prohibition. For full details of the emergency measures, see [here](#).

## 9 Emergency laws and the implications for businesses

On 29 March, with the effect from 30 March, the government has emergency powers that are unprecedented in Europe. The new law practically allows the government to rule by decree for an indefinite period of time. It also allows the government wider freedom, by allowing emergency decrees to go beyond what is listed in the Disaster Relief Act.

The Coronavirus Act also introduces a number of other changes to the constitutional order of the country:

- The government will be allowed to suspend the application of certain laws by decree if necessary and

proportional to protect citizens' health, life, property, rights, and to secure the stability of the economy in connection with the pandemic.

- The Constitutional Court is to remain operational during the state of emergency but can hold meetings using electronic means of communication.
- No local or national elections or referendums can be held until the end of the state of emergency.
- Elections and referendums already scheduled will take place after the special legal order ends. Municipal councils dissolved during the state of emergency stay in place until the end of the special legal order.

Some economic measures have also been introduced. State-financed childcare benefits ('GYES' and 'GYED') which would expire during the state of emergency have been extended to last until after the emergency ends, however, no further employee support has been announced yet.

In the sectors listed in 4 above, lease agreements may not be terminated and rent cannot be raised during this period.

Taxi drivers payers are exempted from tax payment under the 'small entrepreneurs' tax.

The tourism sector is also exempted from paying the tourism development contribution.

## 10 Other points

We anticipate a 'big package' of measures will be adopted under the new regime next week (w/c 6 April).

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# India

Last updated:  
13/3/2020

## 1 Safety and hygiene

Recommended prevention measures for employees include the following:

- Observe good personal hygiene.
- Practise frequent hand washing with soap or use an alcohol-based sanitiser.
- Observe respiratory etiquette: cover your mouth or wear a mask if you have respiratory symptoms such as cough or runny nose.
- Avoid close contact with people who are unwell or showing symptoms of illness, such as cough, runny nose etc.
- Avoid consumption of raw or undercooked meats.
- Avoid travel unless it is absolutely necessary.

You should ensure basic supplies such as hand-hygiene products and tissues are available in all locations.

If an employee exhibits any symptoms of the virus, you should urge him or her to seek medical attention and not to enter the workplace to prevent the disease from spreading. You should also advise other employees with whom the infected employee may have come in contact to self-quarantine for a period of 14 days and get medically tested for COVID-19.

## 2 Testing

You can ask an employee whether they are infected or whether they have travelled to a high-risk area recently as employers are responsible for ensuring all employees' health and safety. If an employee answers yes to either of the questions, you must undertake preventive measures to ensure the wellbeing of all other employees.

While an employee could refuse to tell you whether or not they are infected, given the current extraordinary circumstances, this refusal could be considered as putting the safety and wellbeing of colleagues at risk and you would have a justifiable cause to take action against the employee. If there is a legitimate reason to suspect that an employee is infected, you can compel the employee to undergo a medical examination (including by a company doctor).

## 3 Restrictions on daily life

In the states of Delhi, Kashmir and Ladakh all educational institutions have been closed till 31 March 2020. In the southern states of Kerala and Karnataka, all educational institutions have been shut for an indefinite period. Schools are also being extensively sanitised and fumigated. An increasing number of companies are asking employees to work from home if the nature of their work permits it.

The Government has ordered that all passengers with a travel history to or from China, Hong Kong, Republic of Korea, Japan, Italy, Thailand, Singapore, Iran, Malaysia, France, Spain and Germany should undergo self-imposed quarantine for a period of 14 days from the date of their arrival in India and their employers are advised to facilitate work from home during this period.

If any employee exhibits any signs of coronavirus, he or she should immediately be quarantined until he or she can be sent to a hospital to be tested and treated in accordance with the Government guidelines. The home quarantine period is 14 days from the day of contact with a confirmed case or earlier if a suspect case (of whom the index person is a contact) tests negative for coronavirus. The Government home quarantine guidelines are available [here](#).

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There have been instances where access to entire office buildings has been closed as an individual working in the building was infected with COVID-19.

### 4 Pay

To date, only the state of Karnataka requires employers to provide for an additional 28 days of paid sick leave to any employee who is tested positive for COVID-19. We foresee other states may issue similar guidelines for employers shortly. In the meantime, employers are taking a sensitive approach towards the situation and if an employee exhibits any symptoms of the virus, employers are granting them leave with pay so they may self-quarantine themselves and avoid the risk of transmitting the disease to any other employee.

### 5 Travel

All existing visas (except diplomatic, official, UN/international organisations, employment, project visas) are suspended till 15 April 2020. This takes effect from 1200 GMT on 13 March 2020 at the port of departure. Visas of all foreign nationals already in India remain valid. They can contact the nearest Foreigners Regional Registration Office (FRRO) through e-FRRO module for consular and visa services if they choose to do so.

Passengers travelling from /having visited Italy or Korea who want to enter India will

need a certificate of having tested negative for COVID-19 from the laboratories authorised by the health authorities of these countries. This is in force since 10 March 2020 and is a temporary measure. All incoming travellers, including Indian nationals, arriving from or having visited China, Italy, Iran, Republic of Korea, France, Spain and Germany after 15 February 2020 must be quarantined for a minimum of 14 days.

All international passengers entering into India must furnish filled self-declaration forms in duplicate (including phone number. and address in India) to Health Officials and Immigration officials and undergo Universal Health Screening at the designated health counters at all points of entry.

### 6 Discrimination

An employer should ensure that its conduct is not discriminatory towards any employee.

### 7 Reporting to the authorities

If someone exhibits signs of COVID-19, he or she should immediately report to the nearest hospital and contact the Ministry of Health & Family Welfare 24\*7 helpline number (+91-11-23978046). Please note that Indian data privacy laws permit disclosure of sensitive personal information to government authorities.

## 8 Advice from the authorities

All health and travel advisories issued by the government can be accessed [here](#).

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# Ireland

Last updated:  
30/3/2020

## 1 Safety and hygiene

You must take reasonable steps to protect the safety, health, and welfare of all your employees, including those particularly at risk. As part of its latest restrictions, the Irish government has ordered that everyone who can work from home must work from home unless they work in an essential service. This should be enforced by all employers where possible. Where working from home is not possible and employees are required to attend the workplace, you should do a risk assessment to identify risks to employees of contracting coronavirus while performing their duties; and implement protective and preventative measures to eliminate the risks. This may include educating employees on protective measures such as physical distancing if they are required to attend the workplace.

If an employee falls sick, you should advise them to stay home, contact their doctor and consult Health Service Executive guidance. Notify other employees and recirculate information on precautionary measures.

## 2 Testing

You can ask employees for information about their health where this is relevant to the workplace, particularly if you need to do this to protect the health and safety of others. However, this is special category personal data and so should be treated

confidentially. If you suspect an employee may be infected with coronavirus, you can require them to undergo an independent medical assessment, if the employee's contract provides for this. However, Health Protection Surveillance Centre guidance advises those suffering coronavirus-type symptoms to not see their doctor in person, but contact them by phone, to determine whether they should be tested.

## 3 Restrictions on daily life

### *Lockdown*

The Irish government announced restrictions regarding the closure of non-essential retail business and facilities. Hotels will be required to limit occupancy and cafes and restaurants will only be permitted to offer takeaway or delivery services. Essential retail outlets are permitted to remain open but will have to implement measures to ensure physical distancing, both inside their business and outside, where people are expected to queue and wait for entry.

### *Employers' response*

Many employers have already had to close their workplaces, and more will have to do likewise in light of these latest restrictions. All employees who can work from home have been ordered to do so. There are limited exceptions for essential services. Many employees can work remotely, and many employers have

flexible working policies. If you don't, you should consider implementing technology or providing equipment to enable your employees to work remotely.

If you need to close the workplace and remote working is not possible, you can put employees on temporary lay-off and cease pay or impose short-time working and reduce pay if there is a reduction in work. The employment contract must provide for lay-off or short-time and provide that lay-off will be unpaid for an employer to be able to cease pay unless employee consent is sought.

If lay-offs occur or you impose short-time working, you must explain the reason for them in advance and keep employees informed. If no express provisions permit lay-offs or short-time working, you may also rely on custom and practice to impose lay-offs or short-time working. If this is not possible, you need to obtain the express agreement of employees to the proposed lay-offs or short-time working (which is more likely in the current situation if the only other alternative is redundancy). Before imposing either of these measures, alternative options should be explored, including taking annual leave, agreeing an unpaid leave period, or working back hours or days lost.

## 4 Pay

There is no statutory entitlement to pay if an employee is absent from work. If an employee is off sick with coronavirus, or with symptoms of coronavirus, they will be entitled to sick leave and pay as set out in their employment contract and your sickness absence policy. If employees are not entitled to sick pay and are not entitled to receive other emergency unemployment benefits, you may consider paying it on a discretionary basis if your workplace remains open, because employees may otherwise try to work while still sick and risk spreading the virus. Employees without sick pay may be entitled to apply to the DEASP immediately for enhanced illness benefit of EUR 350 per week. This will be paid for a maximum period of two weeks where an employee is medically required to self-isolate due to suspected coronavirus infection or the full duration of absence from work following a confirmed diagnosis of coronavirus. The enhanced illness benefit will only be paid to those who remain confined to their home or a medical facility.

Employees who self-isolate may be able to work remotely and should be paid where they do so. If not, and where the isolation is imposed by you, the employee should continue to be paid to reduce the risk of a claim.

Employees who have lost their job, been temporarily laid off or been asked to stay at home without pay may be entitled to

apply for the COVID-19 Pandemic Unemployment Payment. The payment will be paid at a flat rate of EUR 350 for the duration of the pandemic emergency. The self-employed are also eligible for this payment.

Short Time Work Support is available for employees who had their hours of work reduced from full-time to part-time so that they are working three days per week or less having previously worked five days. The rate of pay will depend on the employee's average week earnings, but they may receive up to EUR 81.20 per week.

In the event of a lay-off, employers have been encouraged to retain employees on payroll where possible and the government has set up the Temporary COVID-19 Wage Subsidy Scheme for employers in all sectors who are experiencing negative economic disruption due to coronavirus. The scheme is confined to employees who were on the employer's payroll as at 29 February 2020, and for whom a payroll submission has already been made to Revenue in the period from 1 February 2020 to 15 March 2020. The scheme is being rolled out in two phases:

**Phase 1:** from 26 March 2020, the scheme will refund employers up to a maximum of EUR 410 per week per each qualifying employee. The subsidy will be calculated as follows:

- for employees who earn up to EUR 38,000: maximum subsidy of 70% of the employee's net weekly wage (capped at a maximum of EUR 410 per week);
- for employees who earn between EUR 38,000 - 76,000: maximum subsidy of EUREUR 350 per week, or 70% of employee's average weekly net wage if less than €350.

**Phase 2:** expected to be operational from 20 April 2020, the subsidy will be based on each individual employee's average net weekly wage subject to the maximum weekly tax-free amounts. Further information on how these arrangements will work will be published shortly.

## 5 Travel

Review the Department of Foreign Affairs travel guidance, and guidance from the Health Service Executive as multiple travel restrictions in and out of Ireland have been implemented. There is a nationwide restriction on travel outside of two kilometres from your home and social gatherings or visits are not permitted. People returning to Ireland have been requested to restrict their movements for 14 days.

You should take additional measures to aid physical distancing and reduce the risk of spreading coronavirus such as restricting work-related travel, replacing meetings with conference calls or hosting virtual conferences or gatherings in place of physical events that are non-essential.

## 6 Discrimination

Employers may be vicariously liable if any of their employees racially harass colleagues, even if the employer does not know and would disapprove. You might be able to avoid liability if you can show you took 'all reasonable steps' to prevent the behaviour. That might mean training all employees on the issues or taking disciplinary action, if necessary, to address an employee's conduct.

Any request you make for employees to stay away from work should be based on relevant guidance and should apply to all employees, regardless of nationality or ethnicity. Preventing travel to infected areas (where travel restrictions are not in place) may indirectly discriminate against certain employees, so you need to ensure it is a proportionate means of achieving a legitimate aim. Protecting employee health and safety would be a legitimate aim, but an absolute travel ban might be disproportionate. Asking employees who have recently travelled to infected areas not to attend work might be indirectly discriminatory if it affects more employees of one ethnicity than others. However, this would most likely

be justified as a proportionate means of achieving a legitimate aim.

## 7 Reporting to the authorities

If you become aware of a suspected coronavirus case, there is no positive obligation on you to report it. The Health Service Executive advises employers to tell employees to phone their doctor to seek advice.

## 8 Advice from the authorities

If an employee is unwell with symptoms of fever, cough or shortness of breath and has either been in an affected area where coronavirus is circulating, been in contact with a person diagnosed with coronavirus or attended a healthcare facility where patients with coronavirus are being treated, you should advise them to stay at home and restrict their movement avoiding contact with other people and social situations as much as possible; and phone their doctor or the emergency services.

If employees are well without symptoms of fever, cough or shortness of breath, you should advise them that there is no need to self-isolate or not attend work. However, if they develop symptoms, they should phone their doctor or emergency services.

## 9 Emergency laws and the implications for businesses

The Irish government approved the following National Public Health Emergency Team's recommendations.

Everyone who can work from home must work from home. You must stay at home in all circumstances, except in the following situations:

- to travel to and from work where the work is considered an essential service;
- to attend medical appointments and collect medicines and other health products for yourself, your family or someone who is vulnerable or cocooning;
- for vital family reasons including caring for children, elderly or vulnerable people but excluding social family visits;
- to take brief individual physical exercise within your locality, which may include children from your household within two kilometres of your home and adhering to strict two-metre social distancing measures.



In addition to the measures mentioned above, other actions taken by the Irish government that affect businesses include:

- Working with financial institutions and credit intermediaries to introduce flexible repayment arrangements for mortgage / security holders. This includes the possibility of a payment break or deferral of repayments for up to three months. These arrangements are available for home-owners, buy-to-let owners and businesses affected by the coronavirus crisis. This will not affect credit records.
- Working with local authorities to defer commercial rates repayments due from the most immediately affected businesses, primarily in the retail, hospitality, leisure and childcare sectors, until the end of May.

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# Israel

Last updated:  
1/4/2020

## 1 Safety and hygiene

The Ministry of Health is continuously updating its instructions and guidance on the containment of Covid-19. It has emphasised careful hygiene practices (such as proper hand washing) and to avoid shaking hands. Consider consulting a professional regarding any additional measures that may be advisable for your workplace. Generally, adopt hygiene practices such as making sterilisation products available to the employees. Consider scheduling more frequent cleaning of premises and facilities.

Employees ('employee' is broadly defined in this context and not limited to employment relations) who are subject to Home Quarantine obligations (whether they are sick or not) and any employees with a fever over 38°C, must not be allowed in the workplace at all. We recommend any other sick employees are not allowed into the workplace.

It is extremely important to keep informed, and keep employees informed especially in relation to Home Quarantine, entry into Israel and travel warnings and recommendations. Government guidelines are constantly being updated and refined, in an attempt to battle further infections and spreading of Covid-19. Employers should consider appointing a designated employee or team to manage preparations or actions taken in relation to coronavirus, and inform the employees of their identity.

In the current exceptional circumstances, actions more stringent than government guidelines may be considered reasonable. This will depend on circumstances including the nature of the workplace (e.g. do employees work in an open space, or does the position require visits to hospitals).

## 2 Testing

Given the ban on employees in Home Quarantine or with a 38°C or higher fever entering the workplace, it is legitimate and necessary to inquire whether employees have recently travelled abroad or are otherwise required to be in Home Quarantine, and ask them to declare that they do not have a fever. As employees in general should not work while sick you can also forbid any sick employees (even if they have other symptoms) from entering the workplace.

Although employers have a general duty of care towards employees, privacy rights may not always support conducting health-related tests. However, in this unique time and bearing in mind the new obligation not to allow employees with high fever to enter the workplace, we consider that voluntary temperature checks are permitted. You should uphold privacy rules, including only using any information provided for the purpose of containing coronavirus, for that purpose. You cannot force employees to be tested, as long as they abide by the governmental guidelines.

## 3 Restrictions on daily life

On 12 March, all schools were closed for a month. Kindergartens and special education facilities continue to operate as usual. We recommend monitoring future instructions.

Israel has established strict criteria and rules for obligatory Home Quarantine. You can find details [here](#).

It is highly recommended to consider remote working rules, and make the necessary preparations for it (insurance, IT, ensuring employees have work-related material and equipment).

Employees on mandated Home Quarantine cannot be required to work from home (since they are on sick leave). However, if they are not actually it is possible to request that they work from home. If they do, it will not be considered sick leave.

## 4 Pay

Absence on mandated Home Quarantine is deemed sick leave, entitling employees to sick leave pay (as long as they have accrued sick leave days in their favour). On day one of sick leave there is no entitlement to salary; on days two and three employees are entitled to 50% of their salary and from day four onwards, they are entitled to 100%.

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You may have enhanced sick pay arrangements. The government has issued a comprehensive medical certificate for these absences, which also covers children's home quarantine. You cannot request that employees provide a personal certificate under these circumstances.

## 5 Travel

Thoroughly assess the need for any travel abroad and adhere to all travel warnings and bans. Note that on return, any travellers will be required to enter Home Quarantine, that flights are scarce due to many airline cancellations, and that foreign citizens will not necessarily be allowed to enter Israel.

There are very extensive restrictions in place on entry into Israel on top of the 14-days Home Quarantine upon any return. In particular, all non-Israel citizens or non-residents of Israel are currently barred from entering Israel under any circumstances (whether by air, sea or land) unless they have a work visa and approval from the Israeli authorities. This exception does not apply to anyone from China, Macau, Singapore, Hong Kong, Thailand, South Korea, Japan, Italy and Egypt. See [here](#).

We recommend that you keep up to date with all the latest information, on the Ministry of Foreign Affairs website page 'Recommendations for Overseas

Travelers', and the Population and Immigration Authority's website.

## 6 Discrimination

Employers must avoid targeting specific employees without a reasonable basis. However, differential treatment due to an employer following the governmental guidelines in light of the situation (such as differential treatment of those returning from China at the beginning of the crisis), does not constitute discrimination, but rather fulfilment of a legal requirement.

## 7 Reporting to the authorities

Employees must report that they are in Home Quarantine themselves, using an online form or calling the health call centre on \*5400. This is not your responsibility. Employees who refuse to enter Home Quarantine may be charged with endangering the public. There is a national hotline for reporting violations of the governmental guidelines.

## 8 Advice from the authorities

The Ministry of Health, the Population and Immigration Authority and the Ministry of Foreign Affairs are continuously updating their guidelines and instructions.

## 9 Emergency laws and the implications for businesses

## 10 Other points

As of 10 March 2020, requirements for receiving unemployment benefits have been made more flexible, where employees are placed on unpaid leave by their employer in coronavirus-related circumstances.

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# Italy

Last updated:  
27/3/2020

## 1 Safety and hygiene

Under the 22 March 2020 and 25 March Decree, all companies must suspend commercial and production activity (when it is not possible to work from home) with the exception of those providing essential goods and primary services as specifically indicated in list provided by the Government (see point 3 below). The advice below applies to workplaces that are still open.

Strictly monitor the information provided by the authorities and invite all employees to report any danger to health and safety. The law provides specific hygiene measures set out in detail in 8 below.

After 14 March 2020, new measures have allowed employers to take a more active approach. If an employee falls sick at work, you should immediately isolate him or her and employees in the same workplace, communicate it to the authorities and follow the procedures given.

If the employee reports flu or other symptoms and has been in a risk area in the past 14 days, you must ask him or her not to come to work.

If an employee shows symptoms at work:

- You must isolate the employee. As a precaution, all staff who had close contact with him or her (i.e. physical contact or presence for more than 15 minutes in the same place at less than two metres' distance) could be put on home leave for 14 days.
- Call the public emergency numbers, ask for assistance, wait for instructions.
- Monitor the situation with the Health and Safety company doctor and wait for the coronavirus test results. The employee will be on sick leave if certified.

Generally:

- Promote different shifts to avoid as much contact as possible between employees. Comply with the one-metre rule.
- Urge employees to stay home if they have symptoms or a temperature above 37.5°C.
- Keep employees informed about procedures, health and safety measures and your flexible working and leave policy.
- Limit contact with clients or service providers by prohibiting entry into the workplace or establishing entrance, transit and exit procedures.

- Keep in touch with the company doctor and authorities.
- Implement flexible working/remote working programmes where possible.
- Comply with data privacy rules and provide consistent communication.
- Organise business in a way to allow the organisation to keep functioning even if the virus spreads extensively.
- Avoid travel, organise meetings online.
- Organise a reference or crisis team to coordinate action.

## 2 Testing

As a general rule, employers cannot autonomously investigate employees' health conditions. Health inspections and investigations must only be carried out by public authorities. This was confirmed in a Privacy Authority a memo issued on 2 March 2020, which confirmed employers cannot conduct autonomous investigations (including using self-declarations by employees about their health or private life) into flu symptoms and/or possible stays in potential infection areas.

However, on 14 March 2020, an agreement between unions and employers allowed employers to check employees' body temperature at the entrance of the workplace in the context of the coronavirus emergency. This process must respect employees' dignity and they must be informed on the processing of their data with a Privacy notice.

### 3 Restrictions on daily life

#### ***Lockdown***

Currently schools and universities are closed throughout Italy until 3 April 2020; some are now organising online courses to continue their activities.

Under the 22 March 2020 and 25 March Decree, all companies must suspend commercial and production activity (when it is not possible to work from home) with the exception of those providing essential goods and primary services (i.e. supermarkets, pharmacies, postal services and other expressly permitted activities) only if the one-meter distance rule can be respected. All company divisions that are not essential for production must be closed; if it is not possible to suspend production and to respect the one-meter distance rule, safety protocols and individual protection means must be adopted.

A specific simplified procedure for homeworking has been introduced, which does not require a signed agreement between the parties, but only that a communication be sent to the Ministry of Labour. Smart working and using ordinary leave or holidays is strongly recommended by the Government.

You can require employees who have had direct or indirect contact with suspected cases to work from home or be put on leave. Medical quarantine is decided by the Health and Safety Authority. You can decide to close the workplace on collective leave.

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

The Government has required companies to suspend their working activities (with the exception of those expressly permitted because their activity is essential) when cannot be carried out from home.

In order to deal with the emergency, employers can:

- require employees to take accrued holidays;
- give ordinary or extraordinary leave;
- take advantage of the 'Government Financial Wage Support' extraordinarily implemented by the Government to suspend or reduce working activities, see 4 below.

Employers are not allowed to dismiss employees for 'economic reasons' (so-called "giustificato motivo oggettivo") for 60 days after the 22 March Decree. Collective redundancies are prohibited for the same term, and if they were pending on 23 February 2020, are suspended.

### 4 Pay

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

Employees on sick leave are paid by the Public Social Security Authority (INPS). Where an employee is in quarantine for sickness or home isolation due to symptoms or for having been in contact with an infected person (all of which must be certified by a doctor), the absence from work will be considered as sick leave and will be paid by the Public Social Security Authority. Sick leave for coronavirus does not count towards the calculation of the maximum period of sick leave to which employees are entitled to retain their job.



### **Temporary pay support**

Under the 17 March 2020 Decree, social 'shock absorbers' and financial aids have been implemented and may be provided for all companies regardless of their size or characteristics. Government wage support funds may be requested by employers in the event of a suspension or reduction of working activity with a simplified procedure and the State will cover 80% of the employees' salary of the employees for the non-worked hours. Self-employed workers (freelancers with VAT numbers, known as '*collaboratori coordinati e continuativi*' and seasonal workers in the tourism industry) will receive an indemnity for the month of March equal to EUR 600. New parental leave has been provided to support families with children, granting extra 'days off' leave to assist children or disabled members of the family while salary payment will be paid by the State depending on the specific circumstances (e.g. age of the children or disability of the family member). Employees who have continued to work during March 2020 at the company's normal premises and who have a total income not exceeding EUR 40.000, are entitled to a bonus of EUR 100 in relation to the effective number of days spent on the premises.

### **5 Travel**

All movements into and through the country should be avoided. Exceptions

will be made only for proven business justifications, emergencies, health reasons and homecoming. Non-essential transfers or movements, especially for elderly people, must be avoided. Individuals should hold a self-certification to be showed to the authorities to justify any kind of movement into and throughout the country.

Remote working and online meetings are recommended.

There is an absolute prohibition on leaving home for infected people and those in quarantine.

### **6 Discrimination**

An employer cannot target employees based on their ethnic origin or residence. You must comply with the Data Protection Authority when asking employees for information and with the Health and Safety Authority regarding the procedure you want to apply to employees.

### **7 Reporting to the authorities**

You must comply with the Data Protection Authority when asking employees for any information and with the Health and Safety Authority procedures to be applied to employees.

### **8 Advice from government/authorities**

- Wash hands frequently. All businesses open to the public should provide alcohol-based products for hand washing.
- Avoid close contact with sick people and, avoid direct physical contact with everybody (hugging, handshakes).
- Cough and sneeze into your elbow or a tissue.
- Avoid sharing bottles or glasses.
- Do not touch your face with your hands.
- Do not take non-prescribed antibiotics or antiviral drugs.
- Clean with chlorine and alcohol-based products.

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## 9 Emergency laws and the implications for businesses

Due to the suspension of all commercial and production businesses, employers are facing the emergency with the special employment measures introduced by the Government described in point 4 above and the following other measures:

- simplified and faster procedure for smart working;
- suspension of the deadlines for the submission of applications for welfare and insurance payments from 23 February to 1 June 2020;
- suspension of the deadlines for fulfilling obligations and payment of social security contributions for companies based in Italy with revenues or income not exceeding EUR 2 million;
- extensions of deadlines for requesting unemployment benefits and subsidies;
- assistance for the purchase of personal protective equipment and sanitisation;
- extension of the deadlines for payments to the public administration;
- Suspension of all civil and criminal court hearings until 15 April 2020.

Further new measures will be announced imminently.

## 10 Other points

The Government has issued specific measures to grant financial support to companies. These measures are changing week by week according to the situation: check with your legal advisors for up-to-date information.

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# Japan

Last updated:  
13/3/2020

## 1 Safety and hygiene

Before you have any cases, we recommend you set some guidelines about when people should attend work and when they should work remotely.

Once someone falls sick, you should ask them to go home and not return to the office until you tell them it's okay. This period should be at least two weeks.

In order to keep your organisation functioning well and avoiding any panic by employees, set up clear policies and prepare to facilitate remote working and conference calling.

## 2 Testing

You are entitled to ask employees whether they are infected and whether they have recently travelled to a high-risk area, and it may be prudent to do so. However, bear in mind that they are entitled to refuse to tell you they are infected. You are also not empowered to force person to be tested for the virus.

## 3 Restrictions on daily life

The Japanese government has recommended the closure of all schools until the end of March.

It is up to you to decide what kind of policy you might have for homeworking, but setting up good homeworking arrangements may be very helpful to your

business and many companies have already started working in this way or are about to do so.

The Japanese government has announced that visitors from certain countries may not enter Japan or will be subject to strict quarantine measurements. If your business is international, this may affect face-to-face meetings with international colleagues.

You have every right to decide to close your workplace if the coronavirus spreads.

## 4 Pay

The Japanese government health programme will cover employers who lose their salaries during medical treatment, paying approximately 2/3 of them. In addition, the Japanese government recently introduced a financial support programme to bear half the cost of salaries for big companies and 2/3 for small companies that continue paying salaries of their employees who are on leave due to shrinking of business for most purposes. If an employee is worried they may be sick but has not yet had a diagnosis and decides to stay at home, employees are not entitled to continued salary payment unless they use their annual paid leave. If an employee is on sick leave, health insurance will pay up to 2/3 of their salaries during medical treatment.

## 5 Travel

The Japanese government has a list of countries and areas that people are advised not to visit without special care. The list is updated regularly, based on the evolving situation.

## 6 Discrimination

Make sure not to discriminate against different groups of employees based, for example on their ethnic origin in the policies you come up with to deal with the virus.

## 7 Reporting to the authorities

You have an obligation to keep health information about employees confidential under the Personal Information Protection Act. There is currently no requirement to tell the authorities about people getting infected. You can do so, but must not identify the individual.

## 8 Advice from government/authorities

Please consult

<https://www.mhlw.go.jp/content/10900000/000599698.pdf>

<https://www.kantei.go.jp/jp/headline/kansensho/coronavirus.html>

(in Japanese)

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# Kazakhstan

Last updated:  
27/3/2020

## 1 Safety and hygiene

Employees must take the precautionary measures recommended by the Ministry of Health to prevent the spread of the coronavirus infection.

In the event of a coronavirus infection case being suspected, the sick person must be admitted to a hospital immediately. You must suspend employees who were in contact with the sick employee from work and send them for medical examination until you receive the laboratory test results.

Any premises where the infected employee worked will be disinfected by the official sanitary and epidemiological control service.

## 2 Testing

To avoid any threat to the life and health of colleagues, an employee must warn you if he or she has visited a high-risk country or was in contact with a sick person. They must also tell you immediately if their health deteriorates. In turn, you can send an employee for a medical check-up if he or she presents any disease symptoms that prevent further work.

## 3 Restrictions on daily life

Schoolchildren are on a long unscheduled spring vacation from 16 March through 5 April with a subsequent transition to the distance learning system already used by students to study.

Kindergartens, cinemas, theatres, exhibitions, large shopping and entertainment centres and other objects of mass gatherings in Kazakhstan are forced to suspend their activities.

During the period from 30 March to 5 April, the activities of all enterprises and organisations will be completely suspended in Nur-Sultan and Almaty, regardless of the form of ownership, except for the state and law enforcement agencies, healthcare organisations, mass media, grocery stores, pharmacies and life support organisations. Citizens are advised to isolate themselves and avoid unnecessary contacts.

All organisations are advised to limit their activities or to reassign employees on a remote basis. Kazakhstan labour legislation provides for the use of reasonable (or less costly) alternative working arrangements such as part-time work and remote (home-based) work, as well as temporary transfer to another position. In all workplaces, an additional agenda of measures should be adopted, including providing paid annual leave to employees forced to stay with their children during the forced vacation period and the payment of downtime (if

alternative working arrangements prove inapplicable or insufficient) at a minimum wage rate of KZT 42,500 per month (approximately USD 100).

## 4 Pay

Sick employees, employees who were in contact with a sick employee and those who are in quarantine after arriving from high-risk countries, are provided with the work incapacity certificate with a state-guaranteed payment of up to 15 MCI (in 2020, 1 MCI, monthly calculation index is KZT 2,651 which is equal to approximately USD 6).

Individuals who have lost their income due to the state of emergency will be paid on a monthly basis at a minimum wage rate of KZT 42,500 (including employees who are on unpaid leave).



## 5 Travel

### *International travel*

From 16 March to April 15, a one-month state of emergency is in effect in Kazakhstan **that restricts entry to and exit from country** by all means of transport with specific protocols for diplomatic passport holders, essential personnel and Kazakh citizens. International passenger links have been reduced to a minimum. Foreign nationals should monitor local media and government reports for up-to-date information. Visas and work permit issuing has been suspended. Foreign nationals in Kazakhstan will be able to extend visas for the duration of the emergency.

The Chief State Sanitary Doctor of Kazakhstan has set out measures aimed at curbing the spread of illness that apply to all individuals, both Kazakhstani citizens and foreign nationals entering Kazakhstan from certain countries divided into three categories. The information below is accurate as of 27 March 2020, but is subject to change by the **Ministry of Health** as the situation evolves.

An employee returning from France, Iran, Italy, Spain, Germany, India, Thailand, Malaysia, the United Arab Emirates, Sri Lanka and Egypt (category 1A countries) is sent into 14-day quarantine with isolation at a special medical institution.

An employee returning from a country where COVID-19 cases are registered and not included in the list of category 1A countries (category 1B countries) is sent into one-day quarantine with isolation at a special medical institution for laboratory tests for COVID-19, followed by a home quarantine for 13 days with a daily medical examination.

### *Intercity Travel*

From 19 March, the Government of Kazakhstan enacted citywide quarantine measures intended to combat the spread of COVID-19 in Nur-Sultan and Almaty. Checkpoints at all entry-exit points block all traffic into and out Almaty and Nur-Sultan, apart from a 'green corridor' for essential goods, food, medicine and medical products, protective equipment and hygiene products.

The Prosecutor General's Office has announced that quarantine violation will lead to legal sanctions.

## 6 Discrimination

Kazakhstan prohibits any employment discrimination towards a worker if he or she contracts or is suspected to have contracted coronavirus.

## 7 Reporting to the authorities

If you or one of your employees has information about possible or suspected coronavirus infection cases, you or they

must notify the sanitary and epidemiological control authority. Information which includes personal data may only be transferred with the owner's consent and is protected by law. Any illegal use of personal data attracts administrative and criminal liability.

## 8 Advice from the authorities

People are recommended to take precautionary measures, keep their environment clean and practice good hygiene. If individuals have any symptoms of the disease, they are advised to refrain from visiting public places and to immediately contact a medical facility. Use the hotline service to communicate about suspected coronavirus cases. In the event of a home quarantine, it is important to create appropriate conditions for the isolated person and limit his or her communication with other people.

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## 9 Emergency laws and the implications for businesses

Starting from 28 March, there are additional restrictions on free movement of citizens in Nur-Sultan and Almaty:

- People can only leave home to buy food, medicines and to go to work.
- Public transport is suspended.
- Gather on streets in groups of more than three people, except for close relatives, is prohibited;
- Underaged children are not allowed to be outside if not accompanied by an adult.
- mass gathering places (parks, squares, pedestrian streets, promenades, playgrounds, etc.) are closed.

To support the Kazakhstan economy during the crisis caused by the coronavirus epidemic and the reduction of oil prices, the Kazakhstan Government has adopted the following measures

- To preserve food reserves, export of first priority goods has been banned.
- The Kazakhstan Government has allocated USD 10 billion for combatting the coronavirus infection, reducing unemployment and providing support to entrepreneurs, including for other required measures.

- Legal mechanisms to provide businesses with tax benefits and deferrals is currently being developed.
- An arrangement has been reached with second-tier banks on deferrals for credit payments by entrepreneurs and individuals (mortgage, consumer credits).

## 10 Other points

As of 27 March, Kazakhstan has 135 confirmed coronavirus cases, one fatal, three recovered.

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# Latvia

Last updated:  
30/3/2020

## 1 Safety and hygiene

The Cabinet of Ministers has made an order declaring a state of emergency in Latvia (the 'Emergency Order'). Under it, employers must ensure that anyone with acute symptoms of respiratory infections is not admitted to work.

Taking into account your duty to ensure safe and healthy working conditions for employees, you should consider the following additional measures:

- Provide recommendations for employees regarding compliance with personal hygiene and prevention measures in line with the guidelines published on the [Centre for Disease Prevention and Control \(SPKC\) website](#).
- Introduce remote work to the extent possible.
- Implement increased disinfection measures.

If someone falls sick, you should treat it as regular sick leave: the employee should get a sick leave certificate and stay at home. Considered placing other employees who have been in close contact with the sick employee in home quarantine and have them work remotely for 14 days (unless they also get sick).

Keep everyone informed about the current status: the number of infected employees, if any (no names should be

mentioned). If at all possible, employees should be granted the opportunity to work remotely upon request.

## 2 Testing

You can ask an employee whether they are infected and if they have recently travelled abroad, including by introducing a general obligation to you on return from abroad.

An employee can they refuse to tell you they are infected, but you can send them for a health examination and order them to be tested if you have a reasonable suspicion regarding their health. You should treat health examination time as paid working time.

## 3 Restrictions on daily life

### **Lockdown**

The Cabinet of Ministers decision provides that from 24 March 2020 sports centres, gyms and sport halls will shut down completely. Shopping centres will close on weekends. This does not apply to pharmacies, food stores, veterinary stores, gardening and construction materials stores, and optical product stores. Some shops are reducing opening hours on business days.

Until at least 14 April 2020, all theatres, concert halls, libraries and museums are closed. Local cultural centres are shut. Regardless of the number of participants

all public events are cancelled and prohibited. Unorganised gathering of more than 50 people is restricted. Working hours of all gathering places are limited to 23:00.

### **Employers' response**

You are not obliged to let employees work from home if their children's school is closed, though remote work is a good option in situations where it is possible.

We recommend you have separate regulations or agreements with employees on remote work, covering issues such as liability for work safety requirements, confidentiality and recording of working time.

The Cabinet of Ministers decision from 19 March 2020 provides that individuals returning from abroad must spend the next 14 days at home. During this time, they are prohibited from going to work, visiting public venues or places where many people are present. You must deny entry to the workplace for any employee who has returned from abroad and has not complied with their duty under the Emergency Order to self-isolate. If he or she cannot work remotely, they can be suspended without pay.

You can choose to close the workplace entirely and have everyone work from home. If remote work is not possible, then this would be treated as paid 'idle' time.

There is no such concept as temporary lay-off, suspension of employment contracts, or similar in Latvian law. It is also not possible to force employees to take their annual leave or unpaid leave. The only exception could be the case where the employee has a large number of unused vacation days accrued from the previous years, in which case the employer could require the employee to use those days.

The only two realistic options are permanent termination or mutual agreement on an acceptable solution, such as use of annual or unpaid leave, temporary reduction of working hours or similar. Permanent termination is also not very practical since the termination notice period is one month during which the regular salary must be paid and severance of between one and four months' salary must be paid depending on length of employment with the employer.

## 4 Pay

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

Coronavirus is no different from any other sickness: regular sick leave regulations will apply. Employee should get a sick leave certificate from a doctor. The first day of sickness is not paid, then you pay for days two to ten. Additional sickness days are paid by the state social security system.

If an employee has no symptoms but stays at home in quarantine, he or she should work remotely where possible. If remote work is not possible, then the payment obligation would depend on whether it was the employee's choice or your order. If you order quarantine, you should continue to pay salary.

If you want to switch an employee to part-time work by reducing his or her salary as a result of adverse business consequences of coronavirus, you can only do so by agreement with the employee.

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

On 24 March 2020, the Cabinet of Ministers approved the procedure for paying out idle time compensation to employers in affected industries and other employers whose turnover has decreased by 30% in comparison to last year.

At the moment the idle time period will run from 14 March until 14 May but not longer than the emergency situation remains in force.

The amount of compensation is 75% of the employee's average monthly salary, but not more than EUR 700 per month. This compensation will not be subject to personal income tax and social security contributions and is paid directly to the employee's bank account.

## 5 Travel

All international passenger traffic through airports, ports, by bus and rail transport is cancelled from 17 March 2020. The movement of persons and vehicles through airport, port, railway and road border crossing points at the EU's external border, as well as at border crossing points intended for local border traffic are banned from 17 March 2020.

Nationals of Latvia and nationals of other countries residing permanently in Latvia can return to Latvia through the above-mentioned border crossing points. Foreign nationals are permitted to travel away from Latvia. Latvian nationals who permanently reside abroad can only cross borders with non-EU states once to return to their country of residence.

Under the Emergency Order, employers must cancel or postpone business trips abroad as far as possible. In view of the state of emergency order, it is justified and proportionate to ask employees about their travel plans. You should recommend employees avoid travelling abroad by pointing out the consequences if the recommendations will not be followed. A general prohibition on employees travelling to specific countries would not be acceptable.

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## 6 Discrimination

Any measures you introduce in relation to the coronavirus must be applied in a non-discriminatory manner.

## 7 Reporting to the authorities

You can send employees for mandatory health checks if you suspect they are sick. If infection is discovered, then the authorities will take it from there. There is no general reporting obligation for employers.

## 8 Advice from the authorities

The Emergency Order places a duty to self-isolate and not to go to work on anyone returning from abroad. Only staff and crew of passenger, cargo and technical transport returning from assignments who do not present symptoms of acute respiratory infection and have not been identified as Covid-19 contact persons are exempted.

## 9 Emergency laws and the implications for businesses

### Taxes

Taxpayers in specific affected industries can defer or split payments for up to three years without late payment interest. Applications should be filed within two months from the due date or from 22 March 2020. Approved VAT repayments

will be made within 30 days after submission of a return.

Businesses are not obliged to make advance Personal Income Tax payments in 2020: no late payment interest will apply.

Municipalities can postpone real estate tax payments in 2020.

2019 annual report deadlines are extended for three months.

Tax authority negative decisions for participants in the enhanced cooperation program can be delayed until 2023 if the participant is affected by the Covid-19 crisis.

### Enhanced police powers

The State and Municipal Police will monitor public areas where people could assemble, and react and assess possible violations. Penalties will be issued for violation of the restrictions on mass gatherings. To assist the State Police controlling violations related to mandatory self-isolation, the State Border Guard will transmit information regarding certificates completed by repatriating individuals to the State Police.

### Justice system

Court hearings during the emergency will only take place in cases of significant infringement of rights and objective

urgency. Documents can only be submitted by mail or email, not in person.

### Liability for non-compliance

Non-compliance with government measures to limit the spread of Covid-19 attract administrative or criminal liability and fines up to EUR 350.

## 10 Other points

All education institutions are implementing distance learning. Kindergartens will assure 'on-duty' groups can work. To receive this service, parents must submit a written statement once a week stating that the family had not been abroad or been in contact with Covid-19 infected persons or contact persons.

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# Lithuania

Last updated:  
13/3/2020

## 1 Safety and hygiene

Before you have any cases of coronavirus in the workplace, you should provide general information to employees on hygiene requirements and precautions. The State Labour Inspection has issued the following guidelines: you should ventilate the workplace regularly; provide sufficient hygiene products (disinfectant, paper towels, soap, etc.); ensure hygiene products are readily available to employees and customers; and regularly clean all surfaces and door handles. You should also prepare your workforce for the possibility of remote working.

If someone falls sick, you should treat it as ordinary sick leave: the employee should contact his or her doctor to get a medical certificate and stay at home. You should consider placing other employees who have been in close contact with the sick employee in quarantine at home and have them work remotely for 14 days.

Keep everyone informed about the measures that you are taking to keep the work environment safe. Avoid unnecessary travel and meetings. If possible, let your employees work remotely if they request to do so. If someone has returned from a high-risk area, you can ask them to work remotely for 14 days. Employees returning from a high-risk area may obtain a medical certificate electronically.

## 2 Testing

You are entitled to ask an employee whether they are infected and if they have recently travelled to a high-risk area. You can do this by introducing a general obligation on all employees to inform you on return from any high-risk areas.

The law obliges employees to provide you with any information that may be important for the employment relationship. Employees should abide by the principles of cooperation and transparency and should therefore let you know if they have been infected or if they have come back from a high-risk area. If an employee refuses to say they are infected, you can send them for a health check and order them to be tested, if you have a reasonable suspicion regarding their health. You should treat the health time it takes to do the health check as paid working time.

## 3 Restrictions on daily life

You are not obliged to let employees work from home if their children's school is closed, though affected employees may obtain a sick leave certificate from their doctor.

Remote work is the preferred option, where possible. Consider introducing a policy where employees returning from high-risk areas are required to work remotely for 14 days. We recommend

having separate rules or agreements with employees on remote work, covering issues such as liability for work safety requirements, confidentiality, recording of working time and reporting.

In terms of quarantining employees, if an employee has returned from a high-risk area, you can instruct him or her to work from home, but if that is not possible, they cannot be forced to stay at home without pay. You can introduce 'idle' time if you cannot provide work to quarantined employees.

You can choose to close the workplace entirely and have everyone work from home if you think this is the best way. If remote work is not possible, this would be treated as paid 'idle' time.

## 4 Pay

In general, coronavirus is no different from any other sickness and the ordinary sick leave rules apply. An employee should obtain a medical certificate from a doctor. The first two days of sickness are covered by the employer and the rest by the state social security system.

If the employee works whilst under quarantine at home, they are entitled to their regular salary.

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## 5 Travel

The State Labour Inspection advises people should avoid business trips to high-risk areas. Employees are entitled to refuse to go on a business trip to a high-risk area, but if, for example, only parts of a country are deemed high risk, they cannot refuse to go on a business trip to those other parts. Note that you cannot prohibit employees from travelling to high-risk areas in their free time, but you can introduce precautions: in particular you can ask them to stay at home for 14 days upon their return.

## 6 Discrimination

Any measures you introduce in relation to the coronavirus must be applied in a non-discriminatory way.

## 7 Reporting to the authorities

There is no general reporting obligation on employers. A hotline run by the National Centre for Public Health is available to anyone who is concerned about the virus. You can send employees for mandatory health checks if you suspect they are sick. If an infection is discovered, the authorities will take the appropriate measures.

## 8 Advice from the authorities

The following official recommendations currently apply:

- You should carefully consider if business trips to high-risk areas are necessary.
- Employees returning from high-risk areas should be given the opportunity to work remotely even if they do not have any symptoms. Alternatively, they may request sick leave.
- If you suspect an employee could create a risk for other employees or clients, you should ask him or her to work remotely for 14 days.
- You should give employees recommendations on personal hygiene precautions and make hygiene products available.

## 9 Other points

You have an obligation to ensure safe working conditions for all your employees. If you fail in this and it leads to a tangible risk to the health and safety of your employees, they are entitled to refuse to work but at the same time, you must continue to pay them at the normal rate. This means it is very important to take precautionary measures.

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# Luxembourg

Last updated:  
31/3/2020

## 1 Safety and hygiene

If you must remain open and some or all employees cannot telework, you have a duty to ensure the safety and health of your employees (both those returning from risk areas and employees who have not travelled to such areas but who may be infected with coronavirus) in the workplace in general, and in all work activities.

In this respect, all relevant measures shall be taken, notably, you should equip the workplace with hand sanitiser and communicate health recommendations to employees particularly according to the recommendations provided by the Luxembourg government (i.e. wash hands regularly, avoid shaking hands, etc.). You must inform the staff delegation and the safety and health representative of the safety and health risks and the protective measures to be taken and, if necessary, the protective equipment to be used.

If an employee is sick, you should invite him or her to return home.

In order to keep your organisation functioning and avoid panic, and more generally to avoid any risk of contamination, it would be judicious in particular to inform employees as often as possible about the evolution of the global situation, and to respect precautions described above.

## 2 Testing

Due to the current situation, you may ask an employee whether he or she is infected. The employee should answer, according to his or her duty of loyalty, in order to allow you to take necessary measures, if any.

You can refuse access to the workplace to an employee if you are worried that he or she may possibly be infected. In this case, you should invite the concerned employee to contact the Luxembourg Sanitary Inspectorate. However, you cannot force an employee to be tested.

## 3 Restrictions on daily life

The Luxembourg Government recommends that companies should make maximum use of telework as far as possible and reduce their activities to tasks that are essential to the operation of the company.

The Prime Minister has officially announced on 18 March 2020, the closure of schools in Luxembourg until 19 April 2020. The measures described below should be extended for at least one additional month.

The Luxembourg Government has also exceptionally authorised employees to take extraordinary family leave to care for minor children due to the closure of educational facilities. In order to benefit from the leave for family reasons:

- the employee must be affiliated to the Luxembourg social security system (including non-residents), and;
- he or she must be parent of one or more children under the age of 13 (parents of children aged 13 and over cannot benefit from the leave for family reasons);
- the child(ren) must be affected by the temporary closures of (Luxembourg or foreign) structures for primary and secondary education, vocational training, childcare, etc.

Moreover, leave for family reasons cannot in principle be accumulated with other measures that allow parents to stay at home (e.g. if one parent is on short-time work, the second parent is in principle not entitled to take extraordinary family leave, especially if they are in a critical employment role).

Details of the terms of this leave can be found [here](#).

If your business is partially or totally interrupted by the coronavirus epidemic, the Government has indicated employers could introduce short-time working. For details see [here](#).

You can also choose to require an employee to stay at home. See point 4 for details.

### **Lockdown**

All commercial activities and in the service and craft sector normally accessible to the public remain closed. Construction sites are also closed. In light of the overriding public health demands, and to ensure proper distance between customers and service providers, the closure does not include businesses considered essential such as shops selling food, hygiene and washing products, pharmacies, petrol stations, banks, and postal services. The full list is available [here](#).

Activities essential to protecting the vital interests of the population and the country must be maintained. These include public services, the production and distribution of energy and oil products, the health sector, the food sector, water and waste, public transport, postal and telecom services, surveillance, security, cash transport and cleaning, activities essential to the financial, insurance and reinsurance sector and systems for currency exchange, payments and settling financial transactions.

Movement on public roads by individuals is prohibited, except when undertaking one of the permitted activities, listed [here](#).

Outdoor leisure activities (walking, jogging) are only allowed alone or with household members. Gatherings are prohibited. The national police will enforce and monitor these rules, fines are applicable for non-compliance.

### **Employers' response**

To reduce activity, an employer can:

- Apply for short-time working or employee lay off (the first option excludes the second).
- Change the employee's working time, remuneration and/or duties by mutual agreement. As these are essential elements of the employment contract, the employee's agreement is required.
- Exempt the employee from work. The employer must continue to pay the employee in this case.
- Ask the employee to take paid annual leave or other compensatory rest provided for by law. The employer cannot impose this and the employee's agreement is required for the major part of that leave/rest.

## **4 Pay**

### **Sickness and quarantine pay**

If you require an employee to stay home from work (outside of short-time work),

the Luxembourg government has taken the view that this 'uncertified quarantine' cannot be counted against statutory leave without the employee's consent and you will have to bear the cost (e.g. by granting an exemption from work or additional leave to the employee concerned).

### **Temporary pay support**

In order to allow payment of employees and gig economy workers, the Government has introduced the following exceptional temporary measures:

Short-term employment due to *force majeure*: the Employment Fund can cover 80% of the normal salaries (capped at 250% of the minimum social wage for unskilled employees, i.e.: EUR-.5,354.97) for a maximum of 1,022 hours per year and per employee.

Extraordinary leave for family reasons: The Joint Social Security Centre ('Centre commun de la sécurité sociale', CCSS) will pay an advance on financial compensation for this leave granted to the parents concerned. The aim is to advance a substantial part of the reimbursement of salaries that employers must continue to pay to these parents which would normally only be made in May 2020 through the Employers' Mutual Insurance Scheme.

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Support for independent professional artists and intermittent workers in the entertainment and cultural sector: The Government will grant additional social aid, guarantee subsidies for cancelled projects and grant short-time work benefits to employees in the sector.

## 5 Travel

In order to facilitate the entry of frontier workers into Luxembourg during possible border controls, the Luxembourg Government has drawn up certificates attesting to the employment relationship with the employee. For more details see [here](#).

## 6 Discrimination

Any direct or indirect discrimination based particularly on membership or non-membership, true or supposed, of a nationality, race or ethnic group is prohibited. This means it would be appropriate for you to be vigilant with regard to discriminatory behaviour related to employees of an origin connected to a country deemed to be 'at risk'.

## 7 Reporting to the authorities

At this stage, the authorities have not required specific reporting (except in the medical sector: a report of the number of hospital beds occupied by new patients infected by Covid-19 must be made.).

## 8 Advice from the authorities

The Luxembourg government recommendations as well as those of the National Commission for Data Protection can be found here:

- [Coronavirus: COVID-19 information](#)
- [Coronavirus – Information and recommendations for Businesses](#)
- Coronavirus (covid-19): Recommendations by the CNPD on the processing of personal data in the context of a health crisis ([English](#) & [French](#)).

## 9 Emergency laws and the implications for businesses

The Government has introduced exceptional tax and social aid for businesses, including:

- cancellation of tax advances for the first two quarters of 2020 for the self-employed, SMEs and large enterprises;
- automatic four-month deferral of payment of instalments for income, municipal business and wealth taxes (self-employed, SMEs and large enterprises);
- deferral of tax return filings (self-employed, SMEs and large enterprises);

- increased flexibility in payment of social security contributions (self-employed, very small enterprises, SMEs and large enterprises).

The national police will enforce and monitor containment rules; fines are applicable in case of non-compliance.

Almost all court hearings are suspended. In addition, a Grand-Ducal Regulation drawn up by the Ministry of Justice suspended time limits in jurisdictional matters (in particular, time limits for appeal or opposition are suspended in civil and commercial matters) and adapted other procedural arrangements.

## 10 Other points

A derogation from the legal working hours or the duration provided for in an applicable collective agreement means maximum working hours may be extended to 12 hours per day and 60 per week for activities in paragraph 2 of Article 3 of amended Grand-Ducal Regulation of 18 March 2020 – those essential to the maintenance of the vital interests of the population and the country - and those in the paragraph 1 of s5 of the Regulation.

The information here is correct as of 27 March 2020. The situation is evolving fast and could change rapidly.

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# Malta

Last updated:  
13/3/2020

## 1 Safety and hygiene

You should take simple precautions to protect employees' health and safety.

- Limit work trips to high-risk zones. Use telephone or videoconferencing where possible instead.
- Educate staff without causing panic. For example, send emails or display posters outlining the current situation and government advice.
- Provide tissues and hand sanitiser and encourage their regular use. In particular, encourage staff to wash their hands or use hand sanitiser on arriving in the building after using public transport and after coughing or sneezing.
- Regularly clean frequently touched communal areas, including door handles, kitchens, toilets, showers, and hotdesk keyboards, phones and desks.
- Ensure that anyone with coronavirus symptoms (cough, sore throat, fever, breathing difficulties, chest pain) does not come into work. If they have recently travelled back from a high-risk zone or have had contact with someone who has (or with someone infected with the virus), they should see a doctor and get a diagnosis. They should not return to work until all

symptoms have gone.

- Keep the situation and government guidance under review. If the situation worsens, employers may have to take additional measures such as minimising all work-related travel.
- Consider allowing high-risk individuals (including individuals above retirement age) to work from home, particularly if there confirmed coronavirus cases near the workplace.

## 2 Testing

You can ask an employee whether they are infected and whether they have recently travelled to a high-risk area. An employee cannot refuse to tell you if he or she is infected with the coronavirus. If they do refuse, you should assume they are infected and ask them to stay away from the office. You cannot force an employee to get tested for coronavirus but should instead contact the authorities and they will discuss the matter with the employee concerned.

## 3 Pay

Whilst we know that the risk of catching coronavirus in workplaces in Malta is currently low, the usual pay entitlements and sick leave entitlements in the Wage Regulation Orders, the Special Leave Regulations of 2007 or in any collective agreements applicable to an employee

will apply if someone has contracted coronavirus.

You and the employee may agree that the quarantine period should be counted as vacation leave in situations where:

- An employee is not sick but you tell them not to come to work as a precaution, for example, because they have returned from China since the virus started (so-called voluntary quarantine); or
- The authorities of a country require that an employee stays in quarantine (such employees who have been on lock-down on a cruise ship, etc.) because the employee has travelled to high-risk or infected areas; and
- The employee cannot work remotely.

This needs to be agreed by both sides. The second alternative (which splits the financial burden between the parties) is to apply sick leave rules to this situation. This makes sense if you consider that the fundamental principle of sick leave is that the individual is 'unfit for work'. The third solution would be paid special leave, which would be granted over and above legal entitlements.

## 4 Travel

A concept which is gaining traction in the employer community is that if an employer sends an employee to a low-risk zone, which suddenly becomes high risk, the employee's quarantine should be treated as fully paid special leave, since the employee did not choose to travel. In cases where employees insist on going to high-risk zones despite a recommendation not to travel to those zones, employers are within their legal rights not to pay for any resulting quarantine periods.

Besides what is mentioned above, many employers are asking employees to restrict their travel to affected zones for work only and other employers are also extending the risky zones as a result of health and safety obligations, especially to zones which are adjacent to or touching high-risk areas.

## 5 Reporting to the authorities

If a suspected coronavirus case is discovered in the workplace, you should report the matter to Mater Dei Hospital or to the COVID hotline immediately, for the person to be tested. If an employee does have the virus and was at work, you must vacate the property immediately and disinfect prior to reopening the doors.

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### Contact our specialist in Malta



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# Mexico

Last updated:  
2/4/2020

## 1 Safety and hygiene

Your Safety and Hygiene Committee is responsible for implementing any coronavirus preventive measures and for communicating with employees. At the time of writing the General Health Board has not issued a health emergency alert or mandatory measures to be implemented by employers.

The Ministry of Health guidelines are as follows:

- Wash hands frequently with soap and water or use 70% alcohol-based gel.
- When coughing or sneezing, use a disposable tissue or the inside of your elbow.
- Avoid spitting: if necessary use a disposable tissue, put it in a plastic bag, tie it, throw it away then wash your hands.
- Do not touch your face with dirty hands, especially nose, mouth and eyes.
- Clean and disinfect surfaces and objects in heavy use in homes, offices, closed places, on public and private transport, meeting venues, etc. Ventilate and allow sunlight to enter.

Anyone with flu, fever or joint pain that persists for more than a week should see a doctor.

Consider implementing a home office program.

## 2 Testing

You are legally allowed to ask employees to undergo medical examinations and employees are legally obliged to undergo medical examinations. These include, but are not limited to temperature checks. Refusal may be construed as a ground for dismissal. You can certainly ask employees whether they have recently travelled to a high-risk area or whether they have been in contact with an infected person.

It is important to ensure employees are issued with a privacy notice that includes treatment of sensitive information such as results of medical examinations. Issuing a privacy notice is a legal obligation for all employers in Mexico.

If an employee is suspected to be sick, you can instruct him or her to attend a Mexican Institute of Social Security ('IMSS') clinic for an assessment. If sick leave is not granted, the employee must return to work.

## 3 Restrictions on daily life

### **Lockdown**

The Ministry of Education has moved the Easter holiday period forward, which will mean schools are closed from 20 March to 19 April. However, on 30 March 2020, a declaration of sanitary emergency was issued, and closure of schools has been extended until 30 April. This does not give parents an automatic right to be absent from work or employers an obligation to grant paid leave, but they can choose to do so.

In the evening edition of the Federation's Official Gazette of 30 March 2020, the National Health Council issued a resolution declaring the epidemic caused by COVID-19 a sanitary emergency due to force majeure.

In accordance with the provisions of the publication, the Ministry of Health ordered the immediate suspension from 30 March - 30 April 2020, of all non-essential activities needed to face the sanitary emergency in the public, private and social sectors.

For these purposes, essential activities are those that are directly necessary to deal with the sanitary emergency, including medical, paramedical, administrative and support services throughout the public and private health sector; pharmaceutical industry both manufacturing and distribution (pharmacies); manufacture of supplies, medical equipment and technologies for health care; those for public safety; legislative activity; essential sectors for the functioning of the economy such as financial services, distribution and sale of energy, gas and gas stations, generation and distribution of drinking water, food and non-alcoholic beverages, supermarkets, self-service stores, grocery stores and sale of prepared foods, passenger and cargo transportation services, agricultural production, chemical, cleaning products, hardware stores, courier services, private security guards, telecommunications and media, among others.

Additionally, isolation at home should be strictly applied to individuals aged over 60 or with a diagnosis of high blood pressure, diabetes, heart or lung disease, immunosuppression and pregnant women regardless of whether their work activity is considered essential or not. If these individuals are engaged in essential activities that must remain operating, they must be sent home with full payment of salary and benefits.

### ***Employers' Response***

Measures will depend on your main activity and must be assessed on a case-by-case basis, taking into consideration any Collective Bargaining Agreement in force.

Although the declaration of sanitary emergency orders an immediate suspension of non-essential activities, its scope does not imply the legal suspension of employment relationships, so it should be interpreted that there must not be any adverse effect on the payment of salary and benefits.

Of course, the possibility exists to negotiate with the union and/or the workers about any change in terms and conditions of employment to preserve the source of employment and employment relationships, such as use of vacation entitlement or temporary salary reductions.

Generally under Mexican Federal Labour Law, you must comply with any emergency and preventive measures that are imposed resulting from a health or environmental emergency, such as closures of workplaces, schools, public buildings or even quarantine.

If you implement a home office programme we advise you communicate clearly with employees, in particular that it is not a vacation or rest period, that they need to be fully available during agreed

working hours and must continue to fulfil their work obligations.

In our experience, employees working from home are often offered a temporary allowance to pay for internet services and general utilities.

If employees are asked to stay away from work without implementing a home office arrangement, they will be entitled to full salary payment and benefits.

## **4 Pay**

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

If an employee is infected, payment will follow the same rules as a general illness certified by IMSS. IMSS must issue a sick leave certificate to the employee, ordering sick leave or quarantine. The certificate must clearly specify the start and end date of the leave. When a sick leave certificate is issued, you must pay the first three days of the leave in full. From the fourth day onwards, IMSS will pay a daily subsidy of 60% of the salary reported to IMSS. There is no legal obligation for you to pay the remaining 40%.

## Contact our specialist in Mexico



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### **Temporary support pay**

The Federal Government has not implemented any programme and has not announced any potential financial aid from an employment standpoint.

### **5 Travel**

Considering that a sanitary emergency has been declared, you can certainly ask employees to refrain from travelling to a high-risk area but cannot oblige them to do so. However, most critical risk areas have closed their borders and travel to these areas is banned.

### **6 Discrimination**

No that a sanitary emergency has been declared, you can certainly ask employees to refrain from travelling to a high-risk area but cannot oblige them to do so. However, most critical risk areas have closed their borders and travel to these areas is banned.

### **7 Reporting to the authorities**

At the time of writing, there are no statutory reporting obligations related to coronavirus. However, if an employee is sick or has been diagnosed with the coronavirus by a private physician, we advise you to inform IMSS immediately by directing the employee to the appropriate clinic. It is important to check whether employees have been issued with a privacy notice, see step 2.

### **8 Advice from government/ authorities**

Since 1 March 2020, the Ministry of Health has been issuing daily coronavirus communications on its website. It has also opened a hotline (800 0044 800) for coronavirus issues. The federal government has also issued the hygiene guidelines described in 1 above.

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

Please see 3 above for details of the declared sanitary emergency and its implications.

We can confirm that no aid or programmes have been implemented currently by the government related to tax benefits or to employment related benefits for employers or employees.

The sanitary emergency does not include any changes in the justice systems nor any other relevant measures other than those set out in 3 above.

### **10 Other points**

A sanitary emergency has not yet been declared. If it is, it will be grounds for suspending employment relationships: there will be no obligation on employees to provide services or on employers to pay wages. Employers will, however, be

obliged to pay employees the daily minimum wage for up to 30 days.

If a health emergency is declared, pregnant and lactating employees and those under 18 must keep away from the workplace. This does not affect their salary, benefits or employment rights.

You can require any employee suspected of being sick to stay away from work, however, employees will be entitled to full pay, as this will have to be treated as full paid leave of absence. This leave can count towards holiday entitlement if the employee agrees to it.

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# Netherlands

Last updated:  
31/3/2020

## 1 Safety and hygiene

Employers' statutory general duty of care means you must ensure employees have a safe and healthy (work) environment. In addition, the RIVM (the Dutch National Institute for Public Health and the Environment) provides general advice regarding safety and hygiene. You should obtain sufficient information from RIVM and act accordingly, for example, give proper instructions on regularly washing hands, coughing or sneezing into the elbow, only using paper towels etc. If an employee feels unwell, you should instruct him or her to stay at home and work remotely if possible.

If an employee is infected by the coronavirus, he or she must be sent home immediately. Further, the employee must contact the family doctor by phone who will contact the municipal health service (GGD). For the rest, normal sickness rules apply, such as involving the company doctor. As employer you must inform the other employees about the measures taken with regard to the infected employee. Any and all employees who have been in direct contact with the employee during the incubation period, should be sent home to work remotely, provided that they have access to an adequate home office that complies with the requirements set out in the Dutch Health and Safety Act. If an adequate home office is not available, you could be forced to send the employee home without any obligation to work. You could impose this type of

measure, for example, for the quarantine period, currently set at 14 days.

## 2 Testing

Under the GDPR you can ask your employees whether they have recently visited a risk area, such as Italy or China, given your statutory obligation to establish a safe and healthy work environment. In addition, if an employee shows any coronavirus symptoms, you will have sufficient reason to ask whether he or she might be infected, because otherwise you cannot guarantee a safe and healthy work environment in the event of an infection. In the context of the coronavirus, you can send an employee home if he or she shows symptoms of the virus even if you are not certain about this.

If a suspicion arises that an employee has been infected with the coronavirus, you are not allowed to (medically) test an employee. This must be done by the GGD, contacted through the family doctor (see above).

## 3 Restrictions on daily life

### **Lockdown**

All schools and children's day-care in the Netherlands are currently closed until at least 6 April. This means that employees with children must take care of their children themselves. This has implications for the employer as well,

since those employees may not be able to come into work. The catering industry, such as restaurants and bars, is also closed until 6 April.

### **Employer's response**

Employees able to work from home are entitled to do so whilst remaining entitled to salary payment. For employees that cannot work from home a different regime applies. Under normal circumstances an employee would be entitled to emergency leave for one or two days at most with full pay, during which alternative solutions for childcare should be arranged, possibly followed by alternative arrangements such as taking (unpaid) leave in case no other options are available.

However, because of the governmental measures currently in place it may well be difficult (if not impossible) for employees to find alternative childcare options. In this exceptional situation, this could possibly lead to a situation where an employer should continue paying salary in order to act as befits a good employer, applying the recently announced NOW emergency fund measures described in 4 below.

The government has published a list of crucial professions and vital processes, see [here](#).

These sectors and processes must keep the community going during the coronavirus outbreak. A special emergency childcare facility has been set up for people working in this sector.

In principle, if one parent in a family performs a crucial profession, the family is requested to arrange for childcare privately if possible. If this is not possible, a request can be made to the school and/or childcare facility. It is not a strict requirement that both parents perform a crucial profession. The guiding principle is that people with crucial professions can continue to work.

## 4 Pay

### *Sickness and quarantine pay*

If an employee is infected by the coronavirus, he or she will have the same protection as any other sick employee (entitlement to salary etc).

If you instruct an employee to stay at home as a precaution after travelling to an affected area, then his or her absence from work is attributed to you and you must continue to pay his or her salary.

### *Temporary pay support*

The most important measure for employers is the cancelling of the working time reduction scheme ('Wtv'). This scheme is revoked with immediate effect and replaced by the '*Noodfonds Overbrugging Werkgelegenheid*' ('NOW'), an emergency fund for employers to cover wages. Employers can apply for compensation by the government for up to 90% of their total wage sum. If granted, the employer receives an advance of 80% of the compensation amount so that employers can continue to pay employees' salaries.

Not many details have been provided about the NOW scheme yet. It is also not yet possible for employers to submit an application to the employment service (UWV). The Ministry is working to make this possible. The exact date will be announced shortly. What is clear, however, is that the period for which employers may receive compensation does not depend on the date the request for compensation is submitted or the date that the emergency measure comes into effect.

The conditions for claiming NOW are as follows:

- An expected loss of turnover of at least 20%. Regardless of the time of the application, loss of turnover from 1 March 2020 is taken into account.

- During this period of at least three and at most six months, no employees are to be made redundant for business economic reasons.
- Employers must continue to pay 100% of their employees' wages during the compensation period.
- As soon as an allowance for wages has been granted to an employer, the UWV will initially provide an advance of 80% of the requested allowance. At a later stage, it will be determined what the actual decline in turnover was. An audit report is required for applications exceeding a certain, as yet to be determined, amount of compensation.

## 5 Travel

As far as business trips are concerned, you should comply with the travel advice published and constantly updated by the Dutch Ministry of Foreign Affairs. On top of that, employees are allowed to refuse to travel to risk areas if the local working conditions do not comply with the regular health and safety requirements under which they usually work.

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It may be advisable to repatriate employees who are currently in risk areas because of a business trip or who are temporarily working in this area on your orders, because the situation there is no longer safe.

## 6 Discrimination

Please note that the fact that an employee is infected by the coronavirus cannot affect the employment relationship. It never creates the possibility of terminating an employment contract. Besides, a sick employee in the Netherlands is protected against dismissal for a period of 104 weeks.

## 7 Advice from the authorities

So far, the RIVM has only provided general advice, described under 1 above.

## 8 Emergency laws and the implications for businesses

The government has taken various other financial measures to assist Dutch companies. For example, companies can more easily apply for deferment of tax, after which the Tax and Customs Administration will immediately stop collection. This applies to income, corporate, wage and turnover taxes (VAT). Tax fines are reduced to nil.

An emergency service point will also be set up. There, the most severely affected

small and medium sized companies can apply for a grant of EUR 4,000, with which they can meet their greatest financial need. The government has also made bank loans and bank guarantees more accessible to companies.

In addition, for the self-employed, a less stringent application for supplementing income up to the social minimum is provided. The requirements for this application will be loosened; there is no partner income assessment and no assessment of how viable the company is. The money does not have to be refunded.

## 9 Other points

You must take into account an infected employee's privacy requirements. This means you can only notify staff about the illness if there is a real risk of infection. Even then, you should share as limited details of the infected employee as possible. Disclosing the employee's name should be done with reticence.

The Dutch privacy laws based on the GDPR prohibit employers from processing data about a sick employee's symptoms or diagnoses and the Dutch implementation legislation is even stricter than the GDPR. However, the current situation is an exception for this prohibition. Employers can process employees' health-related personal data for the purpose of (in short) preventing health damage, for example if there is a

genuine risk of an employee infecting others with the coronavirus.

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# New Zealand

Last updated:  
27/3/2020

## 1 Safety and hygiene

The New Zealand Government has implemented a four-level COVID-19 Alert System, which specifies the public health and social measures required at four Alert Levels, such as escalating restrictions on human contact, travel and business operations.

New Zealand has entered Alert Level 4 nationwide, initially for a four-week period from 23:59 on 25 March 2020. The consequence of this is that there is a lockdown across the country. Every person is required to stay home except in limited circumstances and all non-essential businesses are required to close.

For those employing workers in essential businesses, if workers cannot work from home then employers must limit interaction between workers (including through physical distancing and split shifts), and between workers and any other person.

Employers in New Zealand have a duty to ensure, so far as reasonably practicable, the health and safety of employees. Employers must ensure all appropriate hygiene and safety measures are in place, such as requiring strict personal hygiene practices, frequent cleaning and personal protection equipment.

## 2 Testing

Employers can ask employees whether they are infected and whether they have recently travelled overseas to the extent those questions have a reasonable basis, are connected with the employer's operations, and are not unfair or discriminatory to the employee.

Employees have a duty to take reasonable care that they do not adversely affect the health and safety of others while at work. They also have a duty to be responsive and communicative with their employer about employment matters.

An employer cannot force an employee to have a medical examination or test. However, many employment agreements provide that the employer can request an employee to undergo a medical examination in certain circumstances.

New Zealand's Ministry of Health has set criteria for COVID-19 testing, which are to be applied by medical professionals together with clinical judgment to determine whether or not testing for COVID-19 ought to be undertaken.

## 3 Restrictions on daily life

### **Lockdown**

As a result of the move to an Alert Level 4 status nationwide, all schools in New Zealand are closed, as are all workplaces

that are not involved in the provision of an essential service. Even in workplaces that remain open, homeworking must be implemented wherever possible.

The situation is evolving and employers must keep up to date with the [advice issued by the Government](#).

### **Employers' response**

There is no general or statutory ability to stand down employees under New Zealand law. However, depending on the specific circumstances of each case there will be a range of options available for most employers if there is a need to reduce or cease activity as a result of COVID-19.

## 4 Pay

### **Sickness and quarantine pay**

Where a workplace is closed due an Alert Level 4 lockdown, payment of employees will depend on the particular circumstances, including whether or not the employee is able to work from home, contractual provisions and other agreed arrangements that may be put in place.

employee who is sick, or whose spouse or dependent is sick, can take paid sick leave. Employees have a statutory entitlement after six months' service to five days' sick leave per year, may accumulate up to 20 days, and may agree with their employers to take sick leave in advance. Employers can provide employees with more sick leave than the statutory entitlement and some employees have a contractual entitlement to more.

If an employee's sick leave entitlements are exhausted, he or she may, with the employer's agreement, use annual leave. Employers could also agree to allow the employee to use annual leave in advance.

Where employees cannot report for work because they are in Government-imposed quarantine, they may not be entitled to payment. However, employers are required to put in place alternative ways of working and consult with the employee about whether they wish to use their sick leave or annual leave entitlements. If employees perform their normal work from home, they are entitled to be paid.

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

The Government has announced an economic package to combat the effects of COVID-19, which includes a wage subsidy scheme (which is available to all employers, contractors, sole traders and self-employed persons, registered

charities and incorporated societies). Further details of the wage subsidy and eligibility criteria can be found [here](#).

## **5 Travel**

The New Zealand Government has recently announced further border measures restricting entry to New Zealand to almost all travellers.

Citizens and residents of New Zealand (and their immediate family who travel with them on the same flight) are permitted to enter the country. All individuals who have arrived in New Zealand within the last 14 days are required to self-isolate for 14 days. Individuals arriving in New Zealand showing symptoms of COVID-19 or who indicate they cannot or will not self-isolate immediately will be quarantined at an approved facility.

Temporary visa holders who are in New Zealand on 2 April 2020 and whose visas were due to expire between 2 April to 9 July 2020 inclusive will have their visas extended to 25 September 2020.

## **6 Discrimination**

It is unlawful for employers to discriminate against an employee based on their race or ethnicity or disability, including physical illness. Employers should not seek to prohibit employees from the workplace based solely, for example, on their ethnic origin.

## **7 Reporting to the authorities**

The Government has asked self-isolating individuals to register with the Ministry of Health's agency, Healthline, and to contact Healthline immediately if they begin to display symptoms. The Government has also established an email address to which concerns about persons who may not be complying with self-isolation protocols may be directed.

At present, there is no requirement specifically on employers to report COVID-19 concerns and it is not advisable for employers make reports to authorities without prior consultation with the employee concerned.

## **8 Advice from the authorities**

As the situation is constantly developing, employers must regularly monitor the advice [here](#).



## 9 Emergency laws and the implications for businesses

A State of National Emergency was declared in New Zealand on 25 March 2020, and an Epidemic Notice has been issued which gives Government agencies powers to react swiftly to the developing situation.

The New Zealand Government has announced a number of tax relief measures, including changes to various thresholds (for example in relation to depreciation and tax credits) for the year ending 31 March 2021, support for mortgage holders and a Business Finance Guarantee Scheme to provide loans of up to NZD 500,000 to small- to medium-sized businesses.

## 10 Other points

Employers obligations and whether employees are entitled to be paid for coronavirus-related absences will depend on the particular circumstances. Employers should seek legal advice in relation to their specific circumstances.

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# Norway

Last updated:  
2/4/2020

## 1 Safety and hygiene

To minimise the risk of infection, you should make a risk assessment and take necessary steps to reduce infection, such as limiting contact between people and adopting strict routines for disinfection. However, currently, the Norwegian government has stated that employees should work from home as far as possible. We recommend you follow the rules and guidelines from the Norwegian Institute of Public Health and other relevant authorities.

If someone has fallen sick, tell him or her to stay at home and contact a medical service. The employee cannot come back to work until a doctor has confirmed him or her free of infection. Because of the 14-day incubation period, you must assess whether a sick employee may have infected others. If this is possible, inform the other possible infected employees and consider implementing special measures in relation to them.

Information you provide should be transparent, clear and updated. You should have guidelines for work organisation including for working from home.

## 2 Testing

The government has imposed 14-day mandatory quarantine for anyone travelling from abroad. Given the potential consequences of the

coronavirus for you, the infected employee and other employees, you can ask an employee whether they have tested positive and/or whether they have recently travelled outside the country.

The employee has a responsibility to tell you whether he or she is infected, and/or whether he or she has travelled outside the country.

If an employee refuses to tell you if he or she is infected and/or whether he or she has travelled outside the country, you cannot force them to tell you. You cannot force someone to be tested (however, special guidelines may apply in certain sectors, such as healthcare). If an employee refuses to be tested, you can order him or her to stay at home, and work from home if possible. Whether there in such a case is an obligation to pay the employee if work from home is not possible must be assessed case to case.

## 3 Restrictions on daily life

### **Lockdown**

The government has closed all kindergartens and schools to 13 April (this may be extended).

The government has stated that employees should work from home as far as possible.

The government has imposed 14-day mandatory quarantine for anyone

travelling from abroad. In addition, some municipalities have imposed mandatory quarantine for anyone travelling from another municipality.

The government has closed all businesses with particularly high risk of infection (such as fitness centres, swimming pools, hair cutters, massage institutes, traffic stations, bars etc.)

### **Employers' response**

You can require work from home and must facilitate this if it is decided. The current guidelines from the government recommend work from home as far as possible. We recommend you give employees guidance and information on how to work from home. You can require an employee to stay away from work even if the authorities do not quarantine him or her, if you consider it necessary to reduce risk of spread of the coronavirus. You can decide to close the workplace.

You can terminate employment contracts if the normal terms in the Working Environment Act are present.

However, a more expedient measure in the event of a temporary lack of work, is lay off. Lay off must be given with written notice (notice period of two to 14 calendar days, depending on whether the situation is considered 'unforeseen' or not). During the notice period of two to 14 days, employment is maintained, and the employer must pay normal wages. After the notice period, the lay-off starts and the employee has no duty to work. Nevertheless, the employer has to pay normal wages for two working days (the employer-period). After the notice period and the employer-period, the employer has no obligation to pay salaries. The employer is exempted from the obligation to pay salaries for a maximum period of 26 weeks during a period of 18 months (assuming that the conditions for lay off are still present). The employee must apply to the Norwegian Labour and Welfare Administration (NAV) for unemployment benefits. The employer can decide on full or partial lay off (minimum 40%). For example, it is possible to lay off 40% and still work 60%. The Norwegian government will then normally pay 40% of the salary after four days subject to maximum salary caps, while the employer pays 60% of the salary and the employee works 60%.

**Reduction of working hours and salary:** This requires the employee's consent or a process of constructive dismissals (termination of existing contracts and offer of continued employment on new terms). However, this can expose the employer to unfair dismissal claims.

**Imposing use of vacation days:** This is possible to a certain degree. You can require employees to use saved vacation days (i.e. vacation days transferred from 2019) immediately. It is also possible to unilaterally require employees to take part of their 2020 holidays limited to vacation days in excess of 18 working days (unless already agreed otherwise). You cannot impose use of the main holiday (18 working days) outside the main holiday period (1 June to 30 September). Employees are also entitled to at least seven days consecutive holiday any other time of 2020 (one calendar week plus one working day). We also emphasise that the main rule in the Holiday Act is that an employer must notify the employee at least two months in advance before unilaterally fixing holiday and after consultation with the employee in question. Depending on the need for fixing holiday and the economic situation in the company due to the coronavirus situation, it is permissible to deviate from the two months' notice rule. However, this has to be assessed case by case.

## 4 Pay

### *Sickness and quarantine pay*

An employee infected with coronavirus (documented by a doctor) has the right to sick pay according to the ordinary sick pay rules. The employer pays full pay for the first three days calculated from the first day of absence. After the employer

period of three days, NAV pays sick pay. However, the employer has a statutory duty to pay the sick pay in advance from day four to day 16 (and then claim reimbursement from the Norwegian Labour and Welfare Administration (NAV) afterwards). The duty to pay in advance may also be extended depending on any collective agreements or the employment agreement. Sick pay is equal to the employee's annual salary (up to six times the national insurance scheme basic amount of NOK 99 858).

If the infection is not documented, but the employee has to stay in quarantine on medical advice and cannot work from home, the sick pay rules above apply, according to recent NAV guidelines.

The right to sick pay does not depend on the reason for the quarantine (private or business related). The decisive issue is whether a doctor recommends quarantine or not. If the employee chooses to self-isolate other than on medical or employer advice, the employer has no obligation to pay sick pay. If the organisation's quarantine rules are stricter than the doctor's recommendations, the organisation has to pay all salary.

The Norwegian Labour and Welfare Administration (NAV) has stated that the rules on parents staying at home with sick children also apply to parents staying at home because kindergartens/schools are closed. These rules only apply if the child is 12 or younger during 2020. As a starting point, each employee has the right to 20 days of paid leave per calendar year if he or she has one or two children. If the employee has three or more children, he or she has the right to 30 days of paid leave per calendar year. If the employee has sole care of the child or children, he or she has the right to 40 days of paid leave if for one or two children, and 60 days of paid leave for three or more children.

The employer is only responsible for the payment for the first three days of absence. The employee is entitled to paid leave for more than three days, but the government will take over the responsibility from the employer from the fourth day. However, the employer has a duty to pay the care benefits in advance, as with sick pay. Both the employer's and NAV's responsibility is capped at annual payment up to 6 times the National Insurance scheme basic amount (NOK 98 866), i.e. annual payments of total NOK 593 196.

For days exceeding these limits or outside these situations, the employee must apply for leave without pay. Employees can also use vacation days or time off, subject to employer approval.

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

The government does not foresee any direct reduction of labour costs if the employment relationship is upheld as normal. State support is primarily directed through the rules for lay off described in 3 above.

## **5 Travel**

The government is currently discouraging all non-essential international travel (stricter guidelines may apply in certain sectors, such as healthcare). We recommend you keep your travel guidelines under constant review based on official recommendations.

In general, employers cannot decide where employees travel privately. However, given the government has imposed automatic quarantine on return from abroad, and is advising against all international travel, you can encourage employees not to travel outside the country. This cannot be formulated as an absolute demand. Whether there is an obligation to pay the employee if the employee travels abroad and work from home afterwards is not possible must be assessed case to case.

## **6 Discrimination**

Employers must consider the risk of direct or indirect discrimination against employees on grounds of ethnic or national origin. All restrictions

implemented in the workplace must be general restrictions, and in no way directed towards employees of any particular ethnic or national origin. They must also be legitimate and proportionate, in order to avoid a later claim of indirect discrimination.

## **7 Reporting to the authorities**

Reports to the authorities on employees that have tested positive for the coronavirus or have travelled to a designated risk area may contain special category data. However, given the special circumstances, employers can report relevant data to authorities if this is necessary to fulfil their responsibility towards the authorities.

## **8 Advice from the authorities**

The Norwegian Institute of Public Health publishes [advices and guidelines](#) in English regularly.

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

The due date for employer tax has been postponed from 15 May to 15 August 2020.

The due date for preliminary tax for companies has been postponed from 15 April to 1 September 2020.

The due date for VAT has been postponed from 14 April to 10 June 2020.

Most trials are postponed indefinitely. However, the courts are working to implement guidelines for digital trials as soon as possible.

The government has proposed a new scheme for cash support to businesses that are severely hit by the infection control measures. The aim for the scheme is to avoid bankruptcy. The details are not yet decided, and it is unclear when the scheme will be introduced.

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# Peru

Last updated:  
2/4/2020

## 1 Safety and hygiene

Before you have any cases of coronavirus in your organisation, we recommend you think about some workplace strategies to help reduce the spread of the illness, such as obtaining supplies of hygiene products.

When someone has fallen sick, as you are responsible for the safety and health of all your employees, you should bar the sick person from entering the workplace in order to reduce the risk of infection.

In order to ensure the continued smooth running of your organisation, communicate frequently and well with your employees. Put up posters and send emails informing people about your policies and ensure everyone is aware of any rules and restrictions.

If you have employees working from home you must let them know the measures you are taking and the health and safety at work recommendations that you expect people to observe, including those intended to reduce the risks associated with remote working. You should do this in a way that leaves a record of your instructions.

## 2 Testing

You are not entitled to ask employees to tell you whether they are infected, because this falls within the scope of employee privacy. But in order to protect

the health of all of your employees, you can ask employees to sign a statement to the effect that they will inform you in good time if they travel to, or return from, regions considered to be at risk of the coronavirus outbreak, such as China, South Korea and Italy.

Be aware that employees are entitled to refuse to tell you if they are infected.

You are entitled to require employees to take medical checks. Any medical check carried out should comply with the principles of respect to human dignity and must be carried out individually.

If you have an occupational doctor, they should examine any employees who have been off work upon their return.

## 3 Restrictions on daily life

### *Lockdown*

The government has closed all schools, shopping centres, restaurants, bars among other businesses in Peru due to the coronavirus. It has declared a State of National Emergency for 28 calendar days, and imposed quarantines.

As a general rule, employees should not go to their normal workplaces to work unless they perform essential functions, such as food provision and telecommunications maintenance.

If your employees are unable to go to work at their normal workplaces, you may implement remote working from home. You should set out the conditions for the remote work and provide all necessary physical and digital support and any necessary training.

Remote working does not apply to employees with confirmed coronavirus infection, nor to those on sick leave. In those cases, the duty to provide services is suspended but this does not affect your obligation to pay them in the normal way (see point 4 below). At the end of any sick leave, the affected employee should inform you so that you can start the employee on remote working.

### *Employers' response*

Employers are not at liberty to dismiss employees if their job is suspended (e.g. because they are on sick leave). If the job is not suspended and an employer wants to dismiss an employee on, say, disciplinary grounds, this is possible, but it might make more sense to do this after this emergency is over because the employee may claim they are not in a position to defend themselves from the accusation made by employer at this time.

If employees are in agreement to take annual leave, this can be done. The same applies if employees agree to a reduced salary or unpaid time. However, we recommend you talk with employees first before using any of these strategies.

The general rule is that the workplace can be closed if there is a *force majeure* situation. This would empower you, without prior authorisation, to suspend any temporary employees for up to 90 days. To do that, you would need to notify the Administrative Labour Authority immediately and adopt measures that avoided aggravating the situation for employees, for example by paying them for any accrued leave. The Authority would normally check what had been done within six days and decide whether there was a good reason for it. If there was no good reason, it could order the immediate resumption of work and payment of employees for the time the workplace was closed. However, the Authority is not receiving any documents at this moment and communication must either be done when the Authority reopens or when this emergency ends.

## 4 Pay

As an employer, you must:

- Not change the nature of the employment relationship or the employee's pay or benefits, unless the changes are dependent on

attendance at the workplace or favour the employee.

- Inform employees about all health and safety measures that must be observed whilst people work remotely.
- Communicate to employees any decision you take to change the place of work, in order to enable remote working.

You must identify any employees that are at risk by age or for health reasons so that you can compel them to work remotely. If it is not possible for people to work remotely, you should make an agreement with your employees about how they will be compensated for non-worked hours. Note that if there is no agreement between parties, the employees will be entitled to 'paid licence' subject to compensation for non-worked hours.

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

If an employee is sick, the employer must pay for the first 20 days of sickness. EsSalud will pay thereafter, for up to 11 months and ten days.

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

The government has announced that employees' pay will be subsidised to the tune of 35% of salary for those earning up to PEN 1,500 per month. Additional

support is available for people in extreme poverty.

## 5 Travel

The national borders have been closed and the international transport of passengers is suspended, by land, air, sea and river. This measure went into effect from 23:59 on Monday, 16 March 2020, and any passengers entering Peru before this must quarantine for 15 calendar days. The transportation of cargo and merchandise is not included within this temporary closure.

There are also severe restrictions on urban transport including transport between the provinces, effective from the same date. Again, cargo and merchandise are exempt.

Employees who cannot get back into the country or return to their home city are expected to work remotely from where they are.

## 6 Discrimination

As an employer, you must ensure not to discriminate against sick employees, as that would be considered as a hostile act.

## Contact our specialists in Peru



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## 7 Reporting to the authorities

Only hospitals and medical centres are authorised to report coronavirus cases. Employers have no power to do so and no obligation.

However, you should initiate awareness campaigns to ensure your employees stay as safe as possible at the workplace and should ask employees with any respiratory illness, or who have made trips to infected areas, to have get themselves tested at a medical centre. You, as an employer, are not entitled to know the result, as this constitutes sensitive data. If an employee voluntarily tells you they have the coronavirus, you should process this information according to the principles of confidentiality and security.

## 8 Advice from the authorities

The health authorities are informing citizens about the coronavirus and the ways to avoid it.

## 9 Emergency laws and the implications for businesses

The government has restricted travel by public roads to those providing essential goods and services, including food, medicines and basic necessities, assistance to the elderly and children, assistance to financial institutions, the sale or purchase of fuel and emergency call centres.

Everyone must stay in their homes from 18:00 to 05:00 (in some departments, from 16:00 until 05:00), except for strictly necessary services in the provision of, health services, water, sanitation, electric power, gas, fuel, telecommunications, cleaning and refuse collection, funeral services, and the transportation of cargo and merchandise. Journalists may travel doing this time, provided they carry the requisite pass and those who require urgent medical attention are also allowed to move. All court processes have been suspended.

The Government has also rescheduled the time for filing for and paying tax.

## 10 Other points

The Peruvian National Police and the armed forces have the power to use force to ensure compliance with the measures ordered by the government and citizens are required to collaborate in good faith.

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# Poland

Last updated:  
1/4/2020

## 1 Safety and hygiene

You should provide employees with proper personal protective equipment (e.g. masks, gloves etc.) where necessary if their work position exposes them to high risk of contracting coronavirus. All employees should have access to disinfecting products. You should also promote regular and thorough hand washing in the workplace and provide instructions on what to do if someone shows signs of coronavirus infection.

## 2 Testing

You have the right to ask employees whether they have been in regions with a higher level of risk (e.g. in China or Italy) or if they have contacted someone with coronavirus. The basis for processing this information will be Article 6(1) (f) of the GDPR: processing of personal data in order to fulfil legal obligations, in this case the obligation to ensure safe and healthy working conditions.

The National Labour Inspectorate states that an employer is not entitled to assess the employee's health itself. It is debatable whether an employer can send an employee for a medical check-up if he or she shows symptoms (cough, high temperature).

Therefore, if you note symptoms, it is recommended you suggest the employee reports him or herself to the

epidemiological authorities, so they can decide what further actions should be taken and if the employee should be ordered to stay on quarantine.

## 3 Restrictions on daily life

Schools in Poland will close from Monday 16 March. In the event of school, nursery or kindergarten closure employees can take vacation leave, work from home or apply for a care allowance for a period of up to 14 days (if his child is younger than eight years old): in this case absence will be justified and partially paid by the state. Longer absence for this reason can be also justified but not paid.

As of 8 March 2020, employers are allowed to require employees to work remotely from home or another place. In practice homeworking is agreed with employees. During quarantine, employees can work from home. If an employee cannot or chooses not to work his or her absence will be justified and partially paid.

Where remote work is not possible, you may also decide to close the workplace or grant the employee unused vacation leave from previous years.

## 4 Pay

An employee whose sickness is confirmed by a medical certificate issued by a doctor is entitled to sickness pay and sickness benefit both in the amount of

80% of his or her salary. This is paid by the employer for 33 days in a given calendar year. Sickness benefit is financed by the state. The same rules apply to quarantine ordered by proper authorities unless an employee is working from home in which case, they receive full remuneration from the employer. Care allowance is also 80% of pay and is financed by the state. In the event case workplace closure, each employee should be paid according to his or her individual monthly or hourly rate of basic pay and if this has not been identified, 60% of salary.

## 5 Travel

Entry of non-Polish nationals into Poland was suspended from 15 March. All international flights to Poland are cancelled and Poland has re-introduced border controls with Schengen countries. All Polish nationals returning to Poland from anywhere abroad must enter a 14-day home quarantine. The initial duration of these measures is ten days but they may be extended.

## Contact our specialist in Poland



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If an employee is ordered to go to a place where the risk of contracting a disease is particularly high, he or she can refuse to go on the trip, indicating that the conditions of work performance do not comply with appropriate health and safety conditions and pose a threat to his or her health. You should, however, not require employees to travel to such places.

## 6 Discrimination

You should avoid discrimination against employees who have an ethnic background associated with the coronavirus or who are confirmed or suspected to have contracted the coronavirus. Other employees should be treated equally, for example in terms of being allowed to work remotely.

## 7 Reporting to the authorities

Although, there is no such express legal obligation so far, it is recommended you immediately inform the proper sanitary authorities about any justified suspicion of coronavirus in the workplace, in particular if symptoms were detected.

## 8 Advice from the authorities

The National Labour Inspectorate has published some [guidelines for employers](#) (in Polish).

Useful general information can be also found on General Sanitary Inspection [website](#).

## 9 Emergency laws and the implications for businesses

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# Portugal

Last updated:  
30/3/2020

## 1 Safety and hygiene

Take precautions: staff should be informed precisely and clearly about coronavirus, to avoid panic and anxiety but also to let them to know which preventive measures they should implement.

Create contingency plans addressing the potential effect of an infected employee on the organisation, how to deal with a possible infection case and what to do if there is an infected person in the organisation. Share these plans with employees and provide them with relevant emergency contacts.

Provide tissues and hand-sanitiser and encourage their regular use. Encourage staff to wash their hands or use hand sanitiser on arrival in the workplace after using public transport and after coughing or sneezing. Use posters and other visual material, to make the message more effective. Regularly clean frequently touched communal areas (door handles, kitchens, toilets, keyboards, phones and desks).

If someone falls sick with coronavirus:

- Clean and disinfect the 'isolation' area where the infected person was kept;
- Reinforce cleaning and disinfection, especially in areas frequently used by the infected person, their work

area and materials and equipment used by them;

- Store the confirmed case's personal belongings and all the material used in the isolation area (gloves, masks, tissues, etc.) in a plastic bag, to be closed, segregated and sent to an authorised operator licensed to treat hospital biological hazard residues.

## 2 Testing

Given the seriousness of the situation, asking employees if they are infected or whether they have recently travelled to a high-risk area should, in principle, not constitute a breach. You cannot, however, require an answer to these questions, or require an employee to get tested for coronavirus.

## 3 Restrictions on daily life

### **Lockdown**

Schools and other facilities (e.g. nursing homes) are currently closed as result of the temporary and exceptional measures related to the coronavirus pandemic, including the state of emergency declaration of 18 March 2020 (valid for a period of 15 days).

Homeworking is mandatory where the activity performed by the employee is compatible with remote work.

Following the emergency state declaration, the following restraining measures can be introduced:

- compulsory confinement in health institutions for those who are infected or ill;
- a special protection duty for vulnerable individuals, such as those who are over 70, placing restrictions to their freedom of movements);
- a general duty of home confinement (in general terms, movements are limited to those strictly necessary, e.g. acquisition of essential basic goods and performance of a professional activity).

Moreover, all businesses requiring the physical presence of customers or clients are generally closed with the exception of supermarkets, fuel stations, pharmacies and banks. These have capacity restrictions. Restaurants and bars can remain open, but will only be allowed to sell for take away or home deliveries

Public services are reduced to 'the essential'

All leisure/ cultural services and institutions (including religious premises) must remain closed: this covers libraries, cinemas, theme parks, clubs and gyms among others.

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

Special measures have been enacted aimed at preserving the employment level and mitigating company crisis situations. They allow companies to access a simplified lay-off regime. This temporary regime (which lasts one month, with the possibility of renewal up to a maximum of three months) allows the reduction of working time or the suspension of the employment contracts and salary reduction (partially paid by the employer and by the social security).

Unless otherwise agreed or set out in the applicable collective bargaining agreement, employers cannot impose holiday unless it is during the period between 1 May and 31 October.

Outside of the layoff mechanism, salary reductions are not generally allowed. However, it is always possible to reach an agreement regarding reduction of the working time (with a consequent salary reduction).

## **4 Pay**

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

The normal sick leave waiting period (three days) does not apply to coronavirus situations: employees are paid in full from the first day of absence. The state bears the cost.

If a doctor orders quarantine, employees are entitled to be paid in full for the first 14 days. After the 15th day, normal sick leave pay percentages will apply. The State bears the cost.

If you as employer impose quarantine on an employee, you bear the cost of the employee's quarantine, even if the employee cannot effectively work from home.

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

During the simplified lay-off period (please see above), affected employees are entitled to receive 2/3 of their normal gross salary, between a minimum of EUR 635 and a maximum limit of EUR 1,905. The cost of this is borne 30% by the employer and 70% by social security.

## **5 Travel**

Limit work trips to the bare minimum and set up approval mechanisms for trips that are considered essential. Use telephone or videoconferencing where possible instead. Work travel to especially dangerous areas should be forbidden. Personal travel can be discouraged, but not prohibited.

## **6 Discrimination**

Restricting workplace access for specific ethnic origins (e.g. Chinese people) can be seen as discriminatory. Restrictions on workplace access should be based on

objective reasons, for example, people who have travelled to high-risk areas in the last 14 days.

## **7 Reporting to the authorities**

If an employee has symptoms, he or she must contact the National Health Services helpline. If symptoms are considered a potential coronavirus situation, but the health services do not confirm infection, the employee must inform you and you must inform the medicine at work services. If symptoms are considered a potential coronavirus situation, and the health services confirm the infection, the Health Authority will inform you.

### Contact our specialist in Portugal



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## 8 Advice from the authorities

You should assess:

- Activities that are indispensable to maintain the company running.
  - Essential resources (raw materials, suppliers, logistics) to keep the organisation running and to satisfy clients' basic needs.
  - Staff required to guarantee the above. Consider training additional staff to replace them if they cannot come to work.
  - Staff that have higher risk of infection.
  - Activities that may use alternative forms of work (telework, videoconferences, teleconferences and client's remote access).
- Flexibility has been introduced to deadlines to comply with tax obligations foreseen for the second quarter of 2020.
  - Special advanced tax payments have been postponed from 31 March to 30 June.
  - The Corporate Tax return (Modelo 22) filing deadline has been postponed to 31 July.
  - Payment of the social security contribution due on March 20 has been suspended.

housing or non-housing purposes, and mortgage foreclosures on residential property are suspended.

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## 9 Emergency laws and the implications for businesses

In addition to the measures described above, the following other measures have been approved:

- Until the end of the application of the prevention, contention, mitigation and treatment of the coronavirus epidemic, unilateral terminations by the landlords of lease contracts for

# Romania

Last updated:  
30/3/2020

## 1 Safety and hygiene

We recommend you promote awareness in the workplace. Disinfect frequently, and provide employees with items such as hand sanitizer, soap and tissues. Employees' interaction with other people (such as work-related meetings) should be limited as far as possible. Encourage employees who are experiencing symptoms to visit their doctor and to collaborate with the occupational physician regarding this.

Sick employees potentially infected with coronavirus, should be reported to the state authorities, who will isolate them and most likely other employees who have been in contact with them.

Keep employees informed about measures to mitigate the risk of being infected and, where possible, implement flexible working, such as work from home or telework.

## 2 Testing

Tests are only conducted by the state authorities, at their discretion, and only for cases that indicate a risk of coronavirus infection. Quarantined individuals are automatically among those tested for coronavirus.

## 3 Restrictions on daily life

### **Lockdown**

All schools in Romania are currently closed until 14 April, under the state of emergency declared by Presidential Decree. Subject to conditions (for example, when work from home or telework is not possible), parents may take days off to supervise their children, while educational establishments are closed. In this case, the supervising parent receives an allowance of 75% of base salary for a working day, but no more than the correspondent per day of 75% of the average gross wage (now RON 5,429). These sums, initially granted by the employers, will be settled from the state budget.

Many activities have been temporarily suspended by military ordinance, including cultural, scientific, artistic or religious activities, sports and entertainment, personal treatments or other activities that take place indoors, as well as serving and consumption of food products, alcoholic or non-alcoholic beverages in restaurants, hotels, cafes or other locations.

Circulation is generally prohibited, with a series of justified exceptions. Individuals must present a justifying document to the competent authorities for these (e.g. an ID/badge from work or employer's authorization for movement for

professional purposes or a personal statement (affidavit) for movement for personal reasons such as shopping for basic necessities).

### **Employers' response**

*Flexible working:* Employers can stagger employees' arrival and departure times, in compliance with the maximum duration of daily and weekly working time, and overtime restrictions to avoid crowding in public transport, or the workplace.

*Work from home:* if feasible, employers can implement remote working (implying the use of information and communication technology) without employees' consent during the state of emergency.

*Using up annual leave:* You can ask employees to use unused annual leave days from previous years. This will not necessarily lead to significant cost reductions, given that employees will be paid with regular salary rights, but some logistical/operational costs will be avoided.

***Paid leave (parents):*** In some circumstances and subject to conditions, parents may be granted paid free days to supervise their children, during the temporary closure of educational establishments, following an official decision by the competent authorities. These are paid by an allowance reimbursed from the state budget.

***Unpaid leave:*** Employees are entitled to unpaid leave for personal matters. Its duration of the unpaid leave is determined by the applicable collective agreement or by internal company rules. You cannot force an employee to take unpaid leave.

***Sick leave/Quarantine:*** The employment agreement is suspended by law when the employee is on medical leave (this may also apply to quarantine/self-isolation). During this time, employers do not pay employees, as they receive an allowance from the state budget.

***Technical unemployment:*** Employment contracts can be suspended on the employer's initiative, for temporary interruptions or reduction of activity for economic, technological, structural or similar reasons. The employees enter technical unemployment and must resume work immediately on the employer's request. They benefit from a specific allowance. Subject to conditions, in the current context employers can access state support for payment of the technical unemployment allowance.

***Unilateral salary reduction:*** When the temporary reduction of the activity, for economic, technological, structural or similar reasons, exceeds 30 working days, employers can reduce the working week from five days to four days per week, with the corresponding reduction in salary until the situation is remedied, after consulting employee representatives. There must be an appropriate business rationale for the decision.

***Mutually agreed salary reduction:*** Employer and employee can decide, by an addendum to the employment agreement and following individual negotiation, to reduce the salary temporarily: either by maintaining a full-time schedule or switching to part-time (it is debatable to what extent it is permitted to change a full-time employment agreement into a part-time one).

***Termination:*** Employment agreements can be terminated for grounds not related to employees on the employer's initiative, based on a grounded business case and following a complex procedure. The legal framework also allows mutual termination, in which case employees are usually substantially compensated, which may not be currently feasible.

## 4 Pay

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

Employees infected with coronavirus or who are placed in quarantine or self-

isolated at home by the state will be on medical leave, implementing the effect of a medical certificate issued in relation to their condition. Their employment contracts will be suspended by law during this period. They will also be entitled to a state allowance (i.e. medical leave) of 75% (applied to the average income of the employee over the last six months within the 12 months of contribution to the social health insurance system).

According to recent provisions, insured individuals are entitled to medical leave for quarantine and to the corresponding allowance without having to fulfil the condition regarding the minimum six-month insurance contribution period in the past 12 months.

This entitlement does not apply to individuals who unilaterally decide to self-isolate without being required to and who are not issued a medical certificate for their condition (or do not submit one to you by the legal deadline).



### **Temporary pay support**

During temporary reduction or interruption of activity, employees concerned receive an allowance, paid by the employer from the salary fund, which cannot be less than 75% of the base salary of the job position occupied.

State support is provided under a series of conditions and based, mainly, on a specific certificate of emergency issued by the Ministry of Economy, Energy and the Business Environment, following an online application. There are two categories of employers:

- those directly impacted by the official decisions regarding mandatory interruption/reduction of activity;
- those registering a significant reduction in activity as an effect of the coronavirus crisis that can no longer pay all their employees' salaries.

The allowances that employees benefit from (75% of base salary of the position held) are paid from the unemployment insurance state budget up to 75% of average gross salary (currently RON 5.429, resulting in a maximum of RON 4.071,75 supported by the state). The employer pays the rest if the maximum is exceeded.

The current procedure may soon be amended and simplified.

## **5 Travel**

During the current state of emergency, general movement (including travel) is strictly limited. The strict list of exceptions contains no reference to the possibility of international travel.

The Ministry of Foreign Affairs has a special page on its website with coronavirus information: <http://www.mae.ro/node/51759>. It has also issued recommendations on foreign traveling tailored for each country: <http://www.mae.ro/travel-alerts>

The Romanian authorities have a [constantly updated list](#) (in Romanian) showing:

- In red, regions around the world that are under quarantine for coronavirus. Any person who has travelled there automatically enters quarantine at a specific place designated by the state for 14 days.
- In yellow, all the other countries. Anyone who comes or returns to Romania from an international trip other than to a red country automatically enters self-isolation at home for 14 days.

Employees returning from international trips enter either quarantine or self-isolation and are entitled to medical leave and the corresponding allowance. Their employment agreements are suspended

by effect of law during medical leave/quarantine.

Currently, flights to and from Italy, Spain, Germany and France are suspended. Entry to Romania by foreign citizens and stateless individuals is restricted during the state of emergency, subject to exceptions.

## **6 Discrimination**

Any measures you implement should be applied in a uniform manner. Any differences in treatment may be seen as a discriminatory. For example, requiring some employees to stay at home, while others in similar situations can come to the office may lead to discrimination claims.

## **7 Reporting to the authorities**

For any activity susceptible to presenting a risk of exposure to the coronavirus, the employer has to determine the nature and level of exposure and immediately report this situation to the Direction of Public Health competent in that region. In practice, the authorities will eventually be informed about cases that indicate a coronavirus risk to take the necessary measures, such as specialized testing or isolation protocol.

## Contact our specialist in Romania



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## 8 Advice from the authorities

The Government has published a [Q&A on the coronavirus outbreak](#) (in Romanian). It explains the difference between quarantine and self-isolation at home and other issues related to self-isolation. It also briefly covers the topic of medical leave.

[The Ministry of Internal Affairs website](#) is constantly updated on the development of the pandemic in Romania and in other states, as well as official measures taken (in Romanian).

A recent [Territorial Labour Inspection statement](#) provides clarifications on measures to be taken and recommendations for employers in the current context (in Romanian).

## 9 Emergency laws and the implications for businesses

Since the establishment of the state of emergency, four military ordinances and other acts imposing a series of specific measures have been adopted.

From an employment law perspective, the implications for the businesses mainly concern the limitation of activities (with corresponding entitlement to state support, see above), plus general restrictive measures regarding movement and the organisation of and access to business locations.

During the state of emergency, the personnel of the Ministry of Internal Affairs is empowered to require and check the justifying documents of employees who still have to travel/commute to work. Non-compliance is punishable by the administrative fees and, in certain cases, even criminal sanctions.

Territorial Labour Inspectorate investigations/controls are suspended, with limited exceptions (including investigations following a claim involving a high level of danger and those necessary for investigating work accidents).

Only extreme urgent judicial matters will continue. The procedure regarding any other claims is suspended without requiring any additional procedure. The time limits for appeals and other remedies are interrupted as of the date when the state of emergency was decreed and new time limits of the same duration begin to run as of this date.

If an appeal or remedy has been declared up to the moment when the state of emergency was decreed, the documentation will be handed to the competent court when the state of emergency is over.

## 10 Other points

You should carefully monitor the situation and urgently implement preventive

measures to avoid the risk of the disease spreading among employees, which would ultimately affect business continuity. You should prepare yourself from a legal perspective for every possible scenario, including business closure, sending employees to work from home, or sending certain employees home to minimize risk and assess the legal implications of these potential measures.

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# Russia

Last updated:  
1/4/2020

## 1 Safety and hygiene

You have a duty to provide employees with safe working conditions and protection and to keep them informed. We advise you to:

- Identify exact locations of all employees and limit travel to high-risk areas.
- Appoint someone (e.g. an HR person or Health and Safety official), to monitor and review guidance from governmental bodies and be a point of contact for concerned employees.
- Consider legal requirements prior to implementing changes to terms and conditions of employment.
- Keep employees informed via emails, training and visual materials (including on sneeze etiquette and handshake hygiene) without causing panic.
- Provide hand sanitiser and face masks, educate staff on their use and encourage regular use.
- Regularly clean and air the workplace, including using sanitisers where necessary.
- If an employee falls sick, ensure that he or she does not continue working.

## 2 Testing

Legally, you cannot force an employee to undergo a medical examination. If an employee refuses to undergo examination and/or the concerns are not proved, you will not be able to suspend or dismiss them.

You can ask employees whether they are infected and whether they have recently travelled to a high-risk area. However, employees are not obliged to provide answers.

## 3 Restrictions on daily life

### **Lockdown**

Schools in Russia are closed from 23 March to 12 April.

There are currently no mandatory business closures.

On 29 March, Moscow Mayor Sergei Sobyenin introduced a general self-isolation regime in Moscow. It will be effective from 30 March and applies to all residents of the capital, regardless of age. It does not limit the right of citizens to come to Moscow or leave it. According to Sobyenin, leaving home is only allowed for: emergency medical care, going to work (if obliged and with a valid confirmation document), shopping in the nearest convenience grocery store or pharmacy, and walking pets (no more

than 100 metres from home), or taking out household garbage.

In the coming days it will only be possible to go outside with a special pass which will be issued to residents by the Moscow City Government. We anticipate similar measures will be introduced in other Russian regions imminently.

According to a Decree of the Russian President dated 25 March, the period from 30 March until 3 April is a nationwide paid week off. The provisions of the Decree are obligatory for everyone in Russia.

The Decree does not apply to the employees of:

- Continuously operating organisations;
- medical and pharmaceutical organisations;
- organisations providing people with food and essential goods;
- organisations performing emergency work in urgent situations, or other situations, involving the endangerment of life or normal living conditions;
- organisations carrying out urgent repair and handling work.

This means that if an organisation falls under one of these criteria, its employees will continue working and will not have paid week-off. Currently, this is a temporary measure until 3 April.

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

The most commonly used measure is transferring employees to remote employment. Russian labour law also provides for several options to impose reductions of working hours, reduction in force, etc. All measures affecting agreed working conditions require either the consent of employees or employers to follow the formal legal procedure of unilateral change to employment conditions (which has restrictions). All changes should be formalised in writing. There is no gardening leave or sabbatical in Russia. If the employer cannot provide employees with work due to the pandemic, it can impose paid downtime with compensation of 2/3 of the employee's regular salary. Employees who are not sick but are asked to remain away from work because they have returned from a high-risk area may be able to work from home. They should be paid as normal and may not be asked to use their annual leave entitlements to cover this absence.

This is a practical solution and the law does not cover how to formalise this kind of change to working conditions. Crucially you remain responsible for employees' health and safety during working hours,

even if the employees are not physically located at your premises.

An alternative approach is to agree on paid leave with employees. You can either allow them to use accrued days of annual paid leave or grant additional paid leave days.

If quarantine is imposed on infected employees, they must be suspended from work by law. This suspension is formalised with an officially sick leave certificate, which specifies duration.

From 26 March to 14 April in Moscow, all residents aged 65 years and over and people with chronic diseases should self-isolate. There is an exception to this measure for top managers, whose presence in the workplace is critical to the functioning of the company. You also should suspend workers who are 65 or over or who suffer from chronic diseases from work.

## **4 Pay**

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

If an employee is sick, you are responsible for paying the first three days' sickness benefit. From the fourth day of absence, the Social Insurance Fund is responsible for payment, though you pay out the benefit and reclaim from the Fund. The rate of sickness benefit depends on how long the employee has been insured with the Social Insurance

Fund, varying from 100% of salary to statutory minimum wage. Employees must provide a sick leave certificate on their return to work. You must not dismiss an employee who is absent from work because of illness, unless the business is liquidated/wound up, or its activities are terminated.

If an employee is officially quarantined, their time will be paid as if they were on sick leave.

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

According to the temporary rules (in effect from 20 March to 1 July 2020), sick leave due to the coronavirus quarantine is paid by Social Insurance Fund for the whole period of quarantine (14 calendar days).

## **5 Travel**

The Russian Government has announced (in a Government Instruction dated 25 March) that from 27 March, all flights between Russia and foreign countries are cancelled. Only flights for repatriation of Russian citizens from foreign countries will continue as well as flights based on separate decisions of the Russian Government.

On 16 March 2020, the Russian Government ordered the temporary restriction of entry into the country by foreign nationals and stateless individuals, including those entering the Russian Federation through Belarus, and Belarusian nationals from 18 March to 1 May. There are exceptions for diplomats, some limited professional categories and for individuals applying in the context of the death of a close relative.

The migration authorities will also stop accepting applications for, and issuing, visas and work permits from this date. The only exception to this rule is for those foreign nationals who are already in Russia and need to prolong/reissue their permissions. They may apply for them from March 19, 2020.

The Federal Service for Labour and Employment ('Rostrud') recommends avoiding visiting high-risk areas until the situation stabilises. The Ministry of Foreign Affairs of the Russian Federation advises Russian citizens refrain from travelling to high-risk areas, except in an emergency. If your business involves employee travel to high-risk areas, we recommend you establish customer or business contact through other means (teleconference, webinar, or videoconference).

In Russia, a high alert regime has been introduced due to the situation with coronavirus. In Moscow, as well as other regions, everyone who has returned from a high-risk area must inform state

authorities and isolate themselves for 14 days. You should suspend them from work and may allow them to work at home for this period and pay them as normal. If they don't work, you cannot ask them to use annual leave to cover their absence. They will be given a formal medical certificate and should be paid at their usual rate for the time they are away.

## 6 Discrimination

If you target staff of Chinese ethnic origin and request them not to come to work during the coronavirus outbreak, this could lead to direct race discrimination claims. Any request not to attend work should be related to potential exposure to the virus and should apply to all staff regardless of nationality or ethnicity.

## 7 Reporting to the authorities

According to the high alert regime established in Russia the state authorities are empowered to request the information about the employees who may have been exposed to the coronavirus, you must provide them with this information. You must also disinfect any areas where the exposed employees have been, do heat tests on all your employees and suspend any that have a high temperature. Failure to comply with the requirements (including providing the information) may lead to liability of the employer and its officials.

## 8 Advice from the authorities

The Government high alert, travel and migration regulation is being regularly updated based on global developments: you should track these updates. The regulation may also differ depending on the region.

## 9 Emergency laws and the implications for businesses

Various economic support measures have been introduced by the Russian Government, including a special procedure for the payment of sick leave, additional incentives for doctors, expansion of business lending, suspension of state audits, authorisation for online sale of medications, preferential treatment for distribution networks and importers of products, etc.

On 25 March, President Putin made an official COVID-19 address to the nation, in which he announced a series of measures aimed at reducing the spread of the COVID-19 and reducing the negative impact on the Russian economy.



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The measures to support business include:

- six-month deferral of tax payments (excluding VAT) for microenterprises, small and medium-sized businesses;
- six-month deferral of payment of social contributions for microenterprises;
- a six-month moratorium on filing creditors' applications for bankruptcy of companies and debt collection;
- reduction (from 30% to 15%) of social contributions for small and medium-sized businesses;
- tax on all offshore income payments at 15%, instead of 2%.

From 19 March to 10 April, access to all courts is limited. Only cases of an urgent nature are considered. Documents to the court should be sent by mail or via the Internet.

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# Saudi Arabia

Last updated:  
30/3/2020

## 1 Safety and hygiene

Take precautions to protect the health and safety of all your staff. This can include providing tissues and hand sanitisers, educating staff on the risks of contracting and spreading the virus and ensuring that staff who may have been exposed to the virus or who have similar symptoms do not attend work. It can also include finding alternative ways of working, including working remotely and keep up-to-date with government guidance.

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

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

## 2 Testing

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

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

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

## 3 Restrictions on daily life

### **Lockdown**

The government has suspended workplace attendance for workers in the government sector (except for the health, security and military sectors, the electronic security centre, and the remote education system in the education sector) and the private sector until further notice. Employers in the private sector are permitted to have up to 40% of staff attend the workplace where they are performing business-critical roles.

A nationwide curfew has been imposed from 19:00 to 06:00. In Riyadh, Jeddah, Mecca and Medina the curfew has been extended from 15:00 to 06:00 and movements to and from these cities has been stopped.

### **Employers' response**

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

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

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

Employers can require employees to take annual leave provided they give notice beforehand. Employers can also place employees on unpaid leave or reduce working hours and salaries with their written agreement. In limited circumstances, employers can make redundancies.

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## Pay

### *Sickness and quarantine pay*

Employees are entitled to 120 days' sick leave (comprising 30 days paid, the next 60 days at 75% of pay and the remaining 30 days without pay).

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

### *Temporary pay support*

No state support has been offered for pay for employees

## 5 Travel

KSA has taken the following precautionary measures:

- Entry to the KSA to Mecca for Umrah and Medina to visit the Prophet's Mosque has been suspended (except for GCC nationals who have obtained a permit from the Ministry of Hajj and Umrah).
- Suspension of the tourist visa for anyone coming from China (including Taiwan, Hong Kong and Macau), Iran, Italy, North Korea, Japan, Thailand, Malaysia, Indonesia, Pakistan, Afghanistan,

Iraq, Philippines, Singapore, India, Lebanon, Syria, Yemen, Azerbaijan, Kazakhstan, Uzbekistan, Somalia and Vietnam.

- Those travelling from China (including Taiwan, Hong Kong and Macau) and Iran are not allowed to enter the KSA until 14 days after their exit from these countries. This includes transit passengers.

All international and domestic flights, public transport and taxis have been suspended until further notice

## 6 Discrimination

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

## 7 Reporting to the authorities

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

## 8 Advice from the authorities

See travel advice at point 5 above.

## 9 Emergency laws and the implications for businesses

The KSA government has announced a number of measures to support the private sector which include:

- lifting suspensions in relation to the Wage Protection Scheme and access to the services of the Ministry of Human Resources and Social Development due to non-payment of fines;
- allowing employers to lease or outsource workers through the Ajeer Program to reduce burdens and respond to demand;
- exempting employers from paying the expat levy on work permits that have expired and enabling employers to claim refunds for work permits and entry visas that have not been used;
- enabling business owners to postpone the payment of taxes (VAT, excise tax, etc.) for a period of three months; and
- postponing the payment of some government services fees and municipal fees for a period of three months.

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# Serbia

Last updated:  
30/3/2020

## 1 Safety and hygiene

You must enable adequate health and safety measures for your employees and others present and working in your work environment. Regardless of whether coronavirus has been detected among employees or their families, you should regularly check if workplaces are clean and hygienic, promote regular and thorough hand washing, ensure that face masks and/or paper tissues and hand sanitisers, plus closed buckets for hygienic disposal are available in the workplace.

An employee who has fallen sick or has any symptoms of the virus will be placed on regular sick leave. To ensure all employees' health and safety, you can also ask these employees to abide by the obligatory recommendations of the Serbian Government and stay at home, avoiding close contact with other people and suggest visiting the doctor. You may also decide to grant employees a collective vacation or another type of paid leave.

You also have sanitary and hygienic obligations, such as disinfection of working premises, surroundings, neighbourhoods, storage and other buildings where the person who was diagnosed with infection of coronavirus was present.

You should communicate regularly and transparently with employees about the measures the organisation is taking to prevent transmission of the virus.

## 2 Testing

Your duty to provide a safe workplace for all employees gives you a right to ask an employee whether he or she is infected or whether he or she has recently travelled to a high-risk area. Employees must inform employers about every potential threat to their own and other employees' life and health. This means employees should inform you if they are infected. Failure to comply with this may be a breach of duty in relation to health and safety and is grounds for termination.

Although the circumstances in which you can refer an employee to medical testing are limited (a suspicion that the employee is under influence of alcohol/drugs or that he or she is misusing sick leave), you must also ensure working conditions comply with health and safety regulations and are entitled to stop work that poses an immediate threat to employees' life or health. In view of this, it seems reasonable that you can refer an employee for testing for coronavirus if symptoms are present.

## 3 Restrictions on daily life

### **Lockdown**

The Government has closed all primary schools, high schools, as well as universities. Educational work is continuing through distance learning, using special TV channels and online learning platforms.

You must introduce remote working for positions for which it is viable. When the work cannot be organised in this manner, other measures must be introduced, such as work in shifts, night work, stringent health and safety measures, etc. For work during the curfew, you should acquire a movement permit from the Ministry of Internal Affairs for all employees who work during this period.

A person can either be in self-quarantine, under medically supervised in-house quarantine based on the decision of a sanitary inspector, or in specially organised centres for quarantine, when they have arrived in Serbia from high-risk territories.

The Government has imposed the following business closures:

- Food and drink cannot be served in restaurants, coffee shops or similar: these services can only be provided only via delivery,
- Direct sales and provision of services are forbidden in stores located in shopping malls or other premises which are entered into from closed areas (excluding supermarkets, food shops, and pharmacies), while online sales and services are allowed.

On 15 March 2020 Serbia declared a state of emergency, after which the Government and competent Ministries issued around 30 decrees (changing daily) introducing different restrictions and measures for dealing with the state of emergency. They include:

- closure of all border crossings and restricted entrance to the country on the authority's approval;
- curfew for everyone from 17:00 to 5:00. (during weekends from 15:00), except for elderly people (over 65 in urban areas or over 70 in rural areas) for whom the curfew lasts all day;
- prohibition of visits to public parks and public areas intended for recreation and sports;

- closure of counters of state authorities (excluding some, as Post Office or Tax Administration),
- 28-day quarantine or medical supervision and house quarantine for individuals coming to Serbia from abroad;
- suspension of public transport and intercity bus and railway transport, apart from organised transport of employees if approved;
- prohibition on gatherings of more than five people in closed spaces, the mandatory two-metre distance between individuals.

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

You may introduce some of the following measures when needed to reduce your activity:

- Reduction of working hours (based on employee's request / consent or as an alternative measure for resolving redundancies).
- 'Forced paid leave' due to temporary interruption of work for 45 working days which is not the employee's fault (compensated at 60% of the average salary, but not lower than minimum wage). The government has facilitated the procedure for putting employees on forced paid leave longer than 45 working days

as well so that no prior opinion from trade unions is required, only the consent of the competent ministry.

- Regular paid leave (compensated at 100% of average salary).
- Paid leave because of employer's inability to guarantee safety and protection of life and health at work, based on the competent state authority's order or employer's decision or in other cases stipulated under the law (i.e. prohibition of work by certain businesses). The amounts of compensation should be envisaged by the general act or employment contract, and there is no minimum prescribed.
- Annual leave, either collective or individual (notification must be delivered to the employee 15 days in advance unless the annual leave is granted upon their request).
- Unpaid leave only (possible upon the employee's request);
- Termination of employment for redundancy;
- Introducing the minimum salary for all employees based on grounded reasoning;
- Not renewing employment for a definite term.



## 4 Pay

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

An employee will be placed on sick leave according to a medical certificate for coronavirus infection (or other illness) and will be entitled to 65% percent of his or her salary. The employer pays the first 30 days of sick leave, after which the state pays. In the event of quarantine caused by a contagious disease, the employee is entitled to 65% of salary.

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

There is currently no state support for payments to employees. However, the Serbian Chamber of Commerce has proposed some economic policy measures, including budget funding of salary compensation to employees during coronavirus-related sick leave, incentives for payment of taxes and mandatory contributions on salaries and compensation to employees during the state of emergency. Further Government's action is expected.

## 5 Travel

All Serbian borders are closed for passenger traffic, except for authorised entry approved by the authorities in the national interest and for humanitarian reasons. Prior to that, the Government prohibited employers in Serbia to send their employees on any work trips.

## 6 Discrimination

Serbian law forbids discrimination against individuals due to their medical condition. These general rules will apply where employees are suspected to have or have coronavirus.

## 7 Reporting to the authorities

Employers must immediately report any occurrence that may jeopardise employees' safety and health to the Labour Inspectorate and the Ministry of Internal Affairs, as well as to report any cases of the coronavirus among employees at work. Based on this, we recommended you abide by this rule when there is a possible coronavirus infection among employees. When reporting, you must respect data protection principles and not share more information than it is necessary for identifying and localising the employee and for protecting public health interests with the authorities.

## 8 Advice from the authorities

The Serbian Government advises citizens to follow medical advice and all mandatory enactments issued during the coronavirus pandemic, especially self-isolation and curfew measures. Relatively harsh legal penalties can be imposed on anyone not abiding by these rules. The Government has called on Serbian citizens abroad to be responsible and stay where they are.

## 9 Emergency laws and the implications for businesses

Apart from the implication of the emergency orders mentioned in 3 above (closure of restaurants and cafes, shopping malls, suspension of intercity and public transport, etc.), the Government has introduced the following orders:

The Government has issued a decree stating that violation of the curfew (apart from being criminal offence) is also a misdemeanour attracting a monetary penalty of between approximately EUR 400 and EUR 1,300. Under this decree, a person can be punished for both a criminal offence and misdemeanour for violation of the curfew. First instance court proceedings via video link will be held for breaches of self-isolation.

The police, with the consent of the Ministry of Health, can temporarily limit or forbid movement of individuals in public places, and order to individuals suspected to be infected to stay at home under medical supervision.

The police are entitled to order closure of all entrances to open areas or buildings, to forbid people leaving areas or buildings, and to order specific individuals or groups to stay in these areas.

Most of the deadlines in court proceedings (administrative, civil, criminal, misdemeanour, proceedings for economic offences, etc.) have been halted during the state of emergency.

## 10 Other points

The Government issued a decision that all foreigners lawfully in Serbia when the state of emergency was declared or who had valid residence permits issued at that time can lawfully remain in Serbia during the state of emergency. Foreigner nationals can also continue to work, even if their work permits expire during this period.

The Ministry of Health has a direct emergency phone line for all information about coronavirus and instructions for before and when someone has symptoms and a [website](#) with daily updates on the situation in Serbia and the rest of the world.

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# Singapore

Last updated:  
30/3/2020

## 1 Safety and hygiene

Ministry of Health (MOH) recommendations include practising good personal hygiene, including frequent hand washing with soap, covering mouth with a tissue when coughing or sneezing and disposing of the tissue immediately and wearing a mask if you have respiratory symptoms. Seek medical attention promptly if you are feeling unwell. You should also increase the frequency of cleaning premises.

If an employee is confirmed infected, you should immediately vacate and cordon off the section of the premises where he or she worked and identify other employees who have had contact with the confirmed case for contact tracing purposes. You should cooperate fully with MOH or other relevant Government agencies as necessary. You must also carry out a thorough cleaning and disinfecting of the section of the workplace premises where the confirmed case works in accordance with National Environment Agency ('NEA') guidelines.

Ensure your employees are fully informed of the procedures that the organisation is implementing and are aware of any enhanced measures that will be put in place if the situation worsens. You should keep pace with governmental advisories and recommendations. Where practical, you should implement business continuity plans before even any employee is infected.

New regulations have also been introduced to limit gatherings outside of work and school to ten persons or fewer and to ensure that physical distancing of at least one metre is maintained. These regulations have force of law and non-compliance may result in a fine not exceeding SGD 10,000 or to imprisonment for a term not exceeding six months or both if found guilty.

## 2 Testing

You can require any employee to disclose their travel history and to notify you if they have been infected. If you impose such a requirement on an employee, he or she cannot refuse to inform you and failure to inform you may be an act of misconduct.

You cannot direct an employee to be tested for coronavirus. However, if you believe that an employee may be infected, you can ask the employee to undergo a medical examination and if the employee refuses, you may take the necessary discipline action provided that your policies allows you to do so for acts of insubordination.

## 3 Restrictions on daily life

### **Lockdown**

There is currently no directive to restrict movement of persons in Singapore except for those who are serving a Stay Home Notice (SHN) or Quarantine Order

(QO). However, the following measures have been implemented and will be in place until 30 April 2020 (they may be extended if the situation does not improve):

- safe distancing regulations at public places implemented;
- closure of all bars and entertainment venues such as nightclubs, discos, cinemas, theatres and karaoke outlets;
- restriction on gathering for more than ten people;
- suspension of indoor/outdoor shows and tours at museums;
- closure of centre-based tuition and enrichment classes;
- suspension of all religious services (although places of worship may remain open);
- deferment or cancellation of all events and mass gatherings.

Schools in Singapore remain fully operational, but the Ministry of Education (MOE) has issued several advisories to date. In February, the MOE introduced precautionary measures for schools to suspend large group or communal activities and cancelled mass celebrations. With the spike in imported infections after the school holidays in March, the MOE has introduced further measures including issuing Leave of Absence notices to all students and teachers who were away during the holidays. MOE also suspended all school sports activities and introduced a one-day home-based learning arrangement for all students.

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

If telecommuting arrangements are feasible, you must ensure you implement them. As a precaution, you may require an employee with an affected family member to stay away from work and where relevant, make available arrangements for the employee to work from home if that person has not been issued with a Leave of Absence notice or a SHN.

If an infected employee has been in the workplace prior to being quarantined, you should close the workplace to allow for deep cleansing and disinfecting. If employees can work remotely, you are entitled to close the workplace for extended periods in the interest of ensuring employees' safety.

Employer affected by these measures will need to reach agreement with their employees on the implementation of cost-saving measures such as salary reductions or reduction of working hours. If this is not possible, employers may have no choice but to lay-off employees. Any implementation that would have the effect of reducing an employee's salary must be notified to the Ministry of Manpower (MOM). If any affected employees are work pass holders, the employer will also need to seek approval from the MOM before doing so.

## **4 Pay**

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

If you require an employee with an affected family member to stay at home, you are still obliged to pay the affected employee's salary. You cannot require the employee to use his or her annual leave entitlements to cover their absence from the office or from their work from home arrangements. You can ask the employee who is ill to see a doctor. An employee will be given a minimum of five days sick leave for a genuine illness and is entitled to be paid during sick leave. If your policy allows an employee to go on sick leave without a medical certificate, this sick leave will be on full pay. Employees on a SHN or a QO should be able to count this period as part of sick leave or hospitalisation leave. If the employees do not have sufficient leave, you could consider giving additional

leave: it is recommended to exercise a certain level of flexibility. However, if an employee is on a SHN after returning to Singapore where he or she had been advised not to travel but still did so, an employer is entitled to require treat the 14-day SHN period as part of the employee's annual leave.

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

There are currently no temporary benefits in place to pay employees who have been terminated as a result of coronavirus or have agreed to be put on no pay leave.

## **5 Travel**

Based on current regulations,

- All short-term visitors from anywhere in the world will not be allowed to enter or transit through Singapore.
- Only work pass holders and their dependents who provide essential services will be allowed to enter/return to Singapore.
- All existing work pass holders and their dependents entering Singapore will require prior approval from the MOM before arrival.
- All Singapore citizens, Permanent Residents and Long-Term Pass Holders returning to Singapore will be issued a 14 days SHN.

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- Anyone returning from the UK and the US will serve their 14-day SHN at dedicated facilities instead of their home.
- Any Singapore citizen or Long-Term Pass holder who leave Singapore from 27 March 2020 in disregard of the prevailing travel advisories will be charged at unsubsidised rates for any inpatient stay at public hospitals if they are admitted for suspected coronavirus and have onset of symptoms within 14 days of returning to Singapore. Singapore citizens will also not be able to claim on their public medical insurance plans.
- Any work pass holder and their dependent who leaves Singapore from 27 March 2020 will be deprioritised for entry approval.

People on a SHN must remain indoors at all times.

To compel an employee to travel to a destination with known coronavirus cases, that travel must be within the employee's ordinary course of work. Your right to require such travel must be balanced against your duty to take necessary measures to ensure the safety and health of employees at work, so far as is reasonably practicable. If the destination country has a travel advisory issued against it, you should heed the

MOM advisory against penalising employees who refuse to travel to countries with travel advisories issued against them.

## 6 Discrimination

An employer should not be exposed to any allegation of discrimination only by reason of imposing any restrictions or directives on an employee infected with coronavirus.

## 7 Reporting to the authorities

Information about an employee's medical condition is personal data under the Personal Data Protection Act 2012 and should not be disclosed without the individual's consent. If you cannot obtain consent to disclose, you may disclose this information on the ground that the disclosure is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual. If an employee has contracted coronavirus, it could be argued that disclosing their name, to the authorities, would be essential for contact tracing and for preventing the spread of the virus. Wider disclosure may not be covered by this exception.

## 8 Advice from the authorities

[Health advisories](#) for various sectors in Singapore.

## 9 Emergency laws and the implications for businesses

The Singapore Government has introduced a set of financial support measures in the annual budget that provides amongst other things, wage support for employers to continue to pay their employees, as well as direct cash contribution to Singapore citizens

It has also introduced measures in its supplementary budget including a temporary bridging loan programme, tax, rental, corporate tax rebates, rental waivers and wage support schemes.

In addition, in order to enforce the safe distancing measures, the Infectious Diseases Act stipulates that any breaches of these measures will be an offence subject to a fine of up to SGD 10,000 or imprisonment of up to six months, or both.

## 10 Other points

The enhanced measures that Singapore has implemented are intended to stem a second wave of infections arising from returning Singapore citizens and Permanent Residents (particularly from the UK and US). It is also intended to reinforce the safe distancing measures that the authorities consider to be crucial to slow the transmission of coronavirus.

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# Slovakia

Last updated:  
13/3/2020

## 1 Safety and hygiene

As you are responsible for health and safety at workplace, you need to take precautionary measures, for example, informing staff about how to minimise the risk of contagion, regular workplace disinfection and limiting business trips abroad.

You are entitled to send an employee for a medical examination, after consultation with employees representatives and the doctor. If they have symptoms of the disease or have recently been on a trip to a high-risk country, you can order them to stay at home, but you must continue to pay wages at the usual rate, unless they have a right to sickness benefits. If the statutory conditions are met, you may order the employee to take annual leave, or you might be able to agree homeworking.

Overall, keep your employees informed, do not compel them to travel abroad and create a plan to ensure the continued smooth functioning of the company, even if some employees are quarantined.

## 2 Testing

You can require employees to tell you whether they have recently visited a high-risk country, as this in your legitimate interests. They are obliged to let you have this information.

If you have reasonable doubts about the health of an employee, you are entitled, after consulting the employee representatives and a doctor, to order the employee to take a medical test.

## 3 Restrictions on daily life

If an employee has to care for a child under ten during a school closure, s/he is entitled to time off work and so-called 'nursing benefit', payable by the Social Insurance Agency. In other cases, you can agree paid or unpaid leave with affected employees.

If your employees could practically work from home, you are free to agree on a home working arrangement at any time.

If quarantine measures are ordered and an employee cannot work because of this you are obliged to pay the employee (at 25% - 55% of the employee's daily assessment) for ten days. Thereafter, the employee is entitled to sickness benefit, payable by the Social Insurance Agency.

Even if no quarantine is ordered, you may decide to close the workplace. If possible, you should agree for homeworking to be done. If certain statutory conditions are met, you can order the employee to take leave, but if not, you will have to pay the employee in the ordinary way.

## 4 Pay

For the first ten days of sick leave or quarantine, you must pay:

- 25% of the employee's daily assessment base for the first three days,
- 55% of the employee's daily assessment base from the fourth to the tenth day.

From the eleventh day, the employee will be eligible for sickness benefit payable by the Social Insurance Agency, at of 55% of the employee's daily assessment base.

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## 5 Travel

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Generally, you can require employees to take a business trip to a country or area of risk if this is agreed in the employment contract or the employee gives consent. However, you should think about how necessary it is to travel, the level of risk involved and the medical fitness of the employee. On this last point, it is advisable not to send older employees or those with cardiovascular disease and it is best to avoid the business trips to the highest risk areas.

## 6 Discrimination

Make sure not to discriminate directly or indirectly against any particular group when devising your policies.

## 7 Reporting to the authorities

There is no requirement at present for employers to report instances of coronavirus to the authorities.

## 8 Advice from the authorities

The Public Health Authority and Chief Hygienist of the Slovak Republic have published general recommendations on hygiene habits and other measures to prevent the transmission of the disease. However, special guidelines for employers have not yet been issued. You may, however, seek advice via various hotlines provided by these state authorities.

# Slovenia

Last updated:  
27/3/2020

## 1 Safety and hygiene

The Slovenian Government strongly recommends that as many employees as possible work from home but has not adopted any specific regulation instructing work from home. Many employers have already decided to implement work from home.

If you do not decide to send employees to work from home or cannot due to the nature of work, we recommend you follow the measures below:

Provide employees with personal and general hygiene recommendations to help prevent possible infection. We recommend you provide free personal protective equipment (e.g. disinfectants for hands, protective masks) and inform employees about its use. Ensure that the distance of at least 1.5 metres between employees is respected.

If an employee falls sick, consult a medical service by telephone for instructions on how to proceed. Isolate the sick employee to preserve safe and healthy work conditions for others. The competent authorities will determine further measures (such as isolation) that have to be followed.

It is not currently possible to send all employees who were in contact with a sick employee but who do not show any signs of infection for preventive testing. We advise taking preventive measures such as ordering work from home or

putting employees on gardening leave and instruct them to limit any unnecessary contacts.

You should not underestimate the situation, and strive to ensure a safe and healthy work environment. Educate and remind employees about respiratory etiquette and hand hygiene, actively encourage sick employees to stay home to prevent them infecting others, practice social distancing, pay attention to cleaning and hygiene, limit or cancel business trips and travel and visits from foreign colleagues or clients and make provisions in internal rules or employment contracts for working from home.

## 2 Testing

To ensure a safe and healthy work environment, you can ask whether employees have recently been in higher-risk regions (e.g. in China or Italy or Spain). The GDPR ground for processing this personal data is that it is necessary for the purposes of the controller's legitimate interests (i.e. ensuring safe and healthy working environment).

Employees must comply with the rules on safety at work and also protect their own life and health as well as that of their co-workers. Based on this obligation, they are obliged to inform you if they are infected. You cannot force an employee to get tested for coronavirus.

## 3 Restrictions on daily life

### **Lockdown**

From 16 March, all educational and childcare establishments in Slovenia are closed (with the exception of some special needs institutions). The employees who do not have an option for child care for their children under the fifth grade of primary school may stay at home and the employer has to compensate them 50% of salary. This situation is considered as *force majeure*.

Most non-essential commerces have also been closed on Government orders from 16 March 2020. Certain businesses, such as banks, postal offices and most importantly grocery stores are exempted from the prohibition on retail. Stores that can operate must be opened daily from 8:00 to 18:00 except for Sundays and holidays. The Ordinance also introduced priority for disabled people, retirees and pregnant women from 8:00 to 10:00.

All public gatherings and public events and other events in public places in the Republic of Slovenia are prohibited as of 20 March 2020 (some exceptions are in place). The prohibition does not apply for individuals performing economic activities or travelling to and from work.

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

Many employers have instructed their employees to work from home. Although usually an employment contract has to regulate home office, the Slovenian Ministry of Labour, Family, Social Affairs and Equal Opportunities has said that in emergencies such as the coronavirus outbreak there will be more flexibility and understanding. The Ministry further explained that in exceptional circumstances employers should as far as possible follow the rules that apply for regular work from home. Therefore, it is advisable to provide employees with clear instructions about work from home, to assure a safe working environment to the extent possible and to notify the labour inspector about work from home.

You cannot demand an employee to go into quarantine, thereby preventing him or her from working. Quarantine can only be ordered by the Minister of Health. You may, however, instruct employees not to work but in this case they are entitled to 100% of salary.

Taking into account the severity of the situation, you may decide to close your business.

Employers may also instruct employees to stay at home and wait for work at home, if they are facing the lack of work due to coronavirus. In this case the employee is entitled to 80% salary compensation and under certain

conditions, the state will compensate part of this amount.

Termination of employment contracts is possible if the employer can prove that a business reason exists under the Slovenian Employment Relationships Act. You cannot require employees to use their annual leave, but may order use of overtime.

### **4 Pay**

The Parliament adopted an emergency law intended to protect jobs and partially reimburse employers sending employees to wait for work from home and for employees who will not be able to work due to quarantine. Under the emergency law, when an employer is not able to ensure work and sends the workers home to wait for work, employees are entitled to receive 80% of their salary. According to the emergency law, if the employer cannot provide work to at least 30% of its employees, the employer bears 60% of compensation costs, while the government covers the remaining 40%.

If a worker cannot work due to quarantine, he or she will also be entitled to 80% of salary. In this case, the emergency law foresees that the government will cover the entire cost.

More information on the provisions of the emergency law is available [here](#).

### **5 Travel**

Air traffic to and from Ljubljana airport is currently suspended as is all public transport in Slovenia.

Transport by private vehicles is possible. Most employers have cancelled all business trips, however, if an employee is still sent on a business trip, he or she can refuse, indicating that the working conditions do not comply with appropriate health and safety conditions and pose a threat to health.

### **6 Reporting to the authorities**

If an employee shows signs of infection in the workplace, he or she must consult a medical service by telephone for instructions on how to proceed. If he or she proves to be infected with coronavirus, he or she must stay home on sick leave. If this is not the case, but you and the employee feel more comfortable if he or she can work from home, you must inform the Labour Inspectorate.

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## 7 Advice from the authorities

The government is encouraging all individuals to stay at home and follow all government measures. They are also inspecting compliance with the measures in practice. Information is available on the [Slovenian National Institute for Public Health website](#).

for economic and business support. See [here for updates](#).

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## 8 Emergency laws and the implications for businesses

An additional measure adopted due to the COVID-19 epidemic is the partial closure of the courts. This means the courts will only hold hearings and issue decisions in matters that are considered urgent. During this period all the procedural deadlines are also suspended. Some administrative deadlines have also been temporarily suspended.

Another extraordinary measure is the mandatory moratorium on bank loans: banks are obliged to grant borrowers a 12-month suspension of all payment obligations upon request.

The Slovenian Government has introduced a package of economic support measures for businesses and individuals affected by the coronavirus crisis. Details are available [here](#). On 24 March 2020, the Government presented the so-called 'Mega Corona Act', which envisages another package of measures



# South Korea

Last updated:  
2/4/2020

## 1 Safety and hygiene

The Ministry of Employment and Labor ('MOEL') has issued guidance for employers on responding to the COVID-19 outbreak. You can find the most recent version available in English [here](#). It includes the following.

Before you have confirmed or suspected cases, encourage employees to keep good personal hygiene practices by providing enough hygiene-related products, and keep the workplace clean through proper disinfection and other measures.

In the event of a confirmed or suspected case you should immediately have the confirmed or suspected employee wear a mask and segregate that person in an isolated place. Workers who have been in contact with a suspected case should wait in a designated isolated area wearing a mask, and wait for public health medical staff to arrive. You should report the confirmed or suspected case to a public health clinic, or the Korean Centers for Disease Control and Prevention ('KCDC', dial 1339) immediately. Inform all other employees in the workplace (including on-site contractors and dispatched workers). The government will send disease-control staff to disinfect the potentially exposed areas of the workplace, and may shut down those areas until the following day.

## 2 Testing

If you collect information from employees or even visitors about their travel histories or health, it is advisable to obtain their consent under the Personal Information Protection Act ('PIPA'). This information is 'personal information' under PIPA, and collecting personal information requires voluntary consent from the employee, subject to exceptions. Rather than relying on one of PIPA's somewhat vaguely defined exceptions, it is safest to ensure you have obtained informed consent, in the required form, where possible.

You generally cannot force an employee to submit to medical testing. Suspected cases that meet the criteria in the government's guidance should be reported to the public health authorities, who can conduct medical tests and issue any necessary orders for public health and safety.

## 3 Restrictions on daily life

### **Lockdown**

Many public facilities such as schools and day-care centres are temporarily closed. Schools are scheduled to begin reopening on a staggered schedule starting 9 April using e-learning, while day-cares and kindergartens remain mostly closed except for limited service for parents who cannot make other arrangements.

There is currently no general lockdown order in place. That is, the government of Korea has not ordered any mandatory shut down of non-essential business operations in South Korea. From March 21, 2020, the government has 'strongly' urged the shutdown of all religious facilities, indoor sports facilities (including gyms), and entertainment facilities (including bars and clubs) for 15 days (this may be extended, though no announcement has been made as of April 1). This is part of the so-called 'Social Distancing Campaign' recently pushed forward by the government. But this does not apply to general business operations.

There are also significant restrictions for all travellers entering Korea, see 5 below.

### **Employers' response**

Many companies are implementing flexible working arrangements such as telecommuting or flexible working hours to reduce the number of employees in the workplace at a given time. Employees who work from home are generally subject to the same working hours limits and overtime pay rules as in the office, but with less supervision and control.

If you decide to close the workplace, in general you must pay at least a 'shutdown allowance' equal to 70% of each employee's average wage (or 100% of the employee's ordinary wage, if lower). The shutdown allowance is not legally required if the shut-down is ordered by the government in response to a confirmed or suspected case of COVID-19, as described in more detail below.

Employers cannot generally require employees to accept a pay reduction or unpaid furlough, or lay off employees, simply because of the COVID-19 pandemic and its economic fallout. Rather, the only two direct payroll-cost control measures available are:

- An employer can place employees on leave or reduce their hours and pay their 'shutdown allowance' (i.e. 70% of their average wage) for the leave or reduced hours.
- If employees are quarantined, or their workplace is shut down temporarily, because of a confirmed or suspected case of COVID-19, the employer does not have to pay wages for the quarantine or shutdown period. Note that there is a limited subsidy available to employers who do provide paid leave to such employees.

An employer does not have absolute discretion to instruct employees not to work, simply because the employer pays the shutdown allowance. Rather, an employer must have a justifiable reason for such an order, under Korean law. But the legal standard for determining whether there is a justifiable reason for a no-work/reduced-work order, if the shutdown allowance is paid, is much more permissive than the standard applied to dismissals or disciplinary action. Consulting with affected employees can be a helpful (though not strictly necessary) factor in satisfying this legal test.

For employees who return from abroad and must self-isolate under the new travel restrictions (see 5 below), it is not yet entirely clear whether they can be treated as being on unpaid leave or are entitled to at least payment of the shutdown allowance while under mandatory self-isolation. MOEL has yet to take a position on this, although logically it is highly analogous to the situation of a mandatory quarantine order for a confirmed or suspected carrier (during which wages are not required to be paid).

As described below under 4, there are also certain subsidies available under the umbrella of Korea's unemployment-insurance system, some of which have been expanded or newly created in light of the COVID-19 outbreak.

## 4 Pay

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

If the government orders a workplace to be shut down due to a confirmed or suspected case of COVID-19, you are not legally required to pay any wages to employees who work at the shut-down location. However, the government recommends paying employees to the extent possible. If you close down a work location or otherwise put any employees on leave at your own initiative without any confirmed or suspected case (e.g. as a precaution or because of loss of business) you must pay the 'shutdown allowance' described in 3 above.

If an employee is unable to work due to being hospitalised/quarantined, you are not legally required to pay wages for the period in which the employee cannot work. However, employers are recommended to pay to the extent possible, and can apply for a government subsidy of up to KRW130,000 (about USD 105) per day to support offering paid leave to these employees. An employer who applies for these subsidies is legally required to grant paid leave at least equal to the subsidy. In other cases, an employee can choose to use annual leave or sick leave if any is available for use or allowed under company policy.

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

There has not yet been any wide-scale payroll support or similar programme to relieve the burden of reduced economic activity on businesses. However, certain subsidies available under the umbrella of Korea's unemployment-insurance system have been expanded or newly created in light of the COVID-19 outbreak. One significant example is the expansion of the 'employment-retention subsidy.'

This employment retention subsidy is intended to defray the cost of paying workers a shutdown allowance rather than engaging in downsizing, and is subject to eligibility requirements. The government has increased the subsidy and loosened the eligibility criteria.

The basic conditions are, essentially, as follows.

- Under the general rule, the employer must have suffered a 15% or greater revenue loss (calculated under certain rules). However, in connection with the COVID-19 pandemic this requirement has been loosened so employers can currently just show revenue loss or other evidence of sufficient negative impact due to the recent COVID-19 pandemic, without necessarily meeting the strict 15% revenue-loss threshold.

- The employer must either (or both): reduce employees' working hours by more than 20%, or place them on unpaid leave for more than one month, in each case requiring payment of the shutdown allowance for the period of leave or in proportion to the reduced hours.
- The employer must engage in consultation with an employee representative (if there is no majority union, this will be a person or persons chosen by the majority of employees), and obtain individual employees' consent for placing them on full leave.
- The employer must commit not to downsize or hire while receiving the subsidy, and for a further month thereafter.

The maximum subsidy is currently KRW66,000 (almost USD 55) per employee per day, which can only be received by an employer for 180 days per year. This cap has not changed recently, but the amount within the cap has been increased temporarily. Within the cap, the subsidy amount is based on the amount of the shutdown allowance paid to each employee, at a rate that depends on whether the company has fewer than 100 employees. For employers with 100 or more employees, it has been temporarily increased from 1/2 to 2/3 of the shutdown allowance. For employers with fewer than 100 employees, it was first temporarily

increased from 2/3 to 3/4 of the shutdown allowance, and starting from April it is being increased to 90% temporarily.

There are other employment-related subsidies that are not new and have not been increased at this time. For example, a subsidy for certain employers that adopt flexible working arrangements has not been increased but the procedures to apply and to receive the subsidy are being relaxed due to the COVID-19 outbreak.

There is also a new temporary subsidy for employees who take unpaid days off for family care under Korea's Equal Employment Opportunity and Work-Family Balance Act. Under this temporary measure, if employees use their family-care days off to take care of their young children (eight or in the 2nd grade of elementary school or younger) whose schools have been shut down, or other family members who have been quarantined, the employees can apply for a temporary government subsidy (KRW 50,000 or about USD 40 per day) for up to five days. This is not a subsidy to employers, but family-care days off are unpaid, and this subsidy may encourage more employees to use them.

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## 5 Travel

The public health authorities in Korea recently mandated that all travellers entering Korea (including Korean citizens) must self-isolate for 14 days. From 1 April, all travellers entering Korea from anywhere in the world must self-isolate for two weeks. These restrictions can change on very short notice. Non-residents are likely to be subject to quarantine at a government facility rather than self-isolation. Travellers entering Korea may also be required to undergo COVID-19 testing either at the airport, or after leaving the airport, depending on circumstances. Further information on entry restrictions can be found in the KCDC's update at the link provided in 8 below.

## 6 Discrimination

An employer generally cannot discriminate against an employee on the basis of the employee's nationality or religion simply because the nationality or religion has been associated with the COVID-19, for example in the media. If an employer offers flexible working arrangements only for full-time permanent employees, and not others, this may also constitute illegal discrimination unless there is a reasonable objective justification.

## 7 Reporting to the authorities

When a suspected case of COVID-19 infection is discovered in the workplace you must immediately report it to the public health centre or call the KCDC (call 1339). For further instructions, see 1 above. The government's guidelines define a 'suspected' case of COVID-19 as a person with fever or respiratory symptoms (coughing, shortness of breath) within 14 days of contact with a confirmed patient with symptoms.

## 8 Advice from the authorities

The latest guidelines available in English and Chinese (published March 3, 2020) are available online [here](#). For ease of reference, you can find the English guidelines [here](#).

The KCDC's guidance on entry restrictions for travellers and other helpful information can be found [here](#) (click document no. 225, 'The updates on COVID-19 in Korea as of 31 March').

## 9 Emergency laws and the implications for businesses

The government is currently providing certain kinds of tax relief and financial support targeted at small businesses. Especially for businesses based in Daegu/Gyeongsangbuk-do Province, additional tax relief measures are scheduled to take effect soon. Further tax relief and financial support measures will

also likely work their way through the legislative process.

Pursuant to a recent revision to the Infectious Disease Control and Prevention Act, the maximum sentence for violating a self-isolation order has been raised to one year's imprisonment or a KRW10 million fine. Police authorities have also emphasised that violating orders and failing to cooperate with necessary quarantine measures are currently critical enforcement priorities, and they intend to strictly and severely enforce these requirements.

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# Spain

Last updated:  
13/3/2020

## 1 Safety and hygiene

You must guarantee employees' health and safety. This may mean you are affected by public health measures implemented by the Spanish Health Authorities depending on the coronavirus alert level (hygiene/behaviour/cleaning measures, etc.). Take any preventive individual or collective measures indicated by the risk prevention services. These can include:

- Organising work to reduce the number of exposed employees and establishing rules to limit face-to-face contact.
- Where appropriate adopting specific measures for vulnerable employees.
- Providing information on hygiene measures, such as frequent hand washing, not sharing objects, ventilation, and cleaning of surfaces and objects.
- Making hygiene equipment available to employees and adopting cleaning protocols.

Further guidance can be found [here](#).

If one or more employees becomes infected, or appears to be or are suspected to have become infected, you must immediately call the Health Authorities. Follow their instructions and instruct the potentially infected or infected employee to stay away from the

workplace and remain at home (the employee's consent is not needed). The employees will be placed on sick leave due to common illness (unless it is considered an occupational accident, for example because the infection occurred during a business trip to a high-risk area).

Meeting your obligations in a situation as serious as the coronavirus outbreak may involve implementing a prevention plan, conducting a risk assessment; providing workers with equipment and means for personal protection; adequately informing workers and their legal representatives; training workers; drafting emergency plans; implementing measures in cases of serious and imminent risk; regularly monitoring workers' health; and protecting vulnerable personnel, specifically in connection with maternity and minors.

## 2 Testing

You can ask an employee whether they are infected and whether they have recently travelled to a high-risk area. If an employee knows he or she is infected, they must communicate this information to the employer. Employees are only obliged to submit to testing if the organisation's Prevention Service has determined that employees must be tested.

## 3 Restrictions on daily life

You cannot force employees to work remotely when there is no imminent and serious risk of coronavirus infection or there is no suspicion, employees could become infected or infected employees.

The Spanish Government Guide on employment actions in the context of coronavirus. states remote working could be adopted by collective or individual agreement on an exceptional basis, for essential tasks which cannot be carried out in the usual physical workplace once the necessary health and preventive measures have been taken.

If a remote working decision is implemented as a temporary preventive or organisational measure, the Government Guide expressly establishes that it must be on a temporary and extraordinary basis and cease when the extraordinary circumstances disappear. It must be brought into line with labour legislation and the applicable collective bargaining agreement and must not lead to reduced health and safety rights or loss of professional rights. If the employees need



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additional technology, this must not be at their expense.

If multiple employees in your organisation appear to be infected or coronavirus infection becomes widespread, a situation of 'serious and imminent risk' will be declared. Under these circumstances, in addition to notifying the health authorities and following their instructions, you must inform all workers of the infection risk and measures adopted, take measures to enable workers stop working and, if necessary, to immediately leave the premises. You must not require workers to resume work at the premises for as long as the hazard persists (subject to justified exceptions). This will have no impact on workers' salary or employment, unless they have acted in bad faith or committed serious negligence.

## 4 Pay

Infected employees will be deemed to have a temporary disability (sick leave). It will not be possible for these employees to stay at, or work from, home and, therefore, they should not receive remuneration from you. Where agreed upon either collectively or individually, however, you may pay them the employer's supplement to Social Security sick pay.

Quarantined employees will be deemed to have a temporary disability derived from a common illness, as above. You are not responsible for the costs incurred by the employees' confinement in quarantine establishments, except, if at all, when infection occurred while the employee was performing a professional activity on your orders.

## 5 Travel

If you order a worker to travel to a region or country where there is significant risk of contagion, coronavirus infection may qualify as an occupational accident. If, on the other hand, an employee refuses to travel because of the serious danger to which he or she would be exposed, it is unlikely that this action would be deemed a disciplinary breach that may lead to a valid disciplinary dismissal.

## 6 Reporting to the authorities

If one or more employees in a work establishment appear or are suspected to have become infected, you must immediately call the telephone number provided for this purpose by the Public Health Service in each Autonomous Community. You must follow the instructions provided by the Health authorities. The fact that a potential infection is notified to the Health Authorities by a worker, their colleagues or their relatives, does not exempt you from their obligation to inform the Health Authorities directly.

## 7 Advice from the authorities

Organisations may be affected by the public health measures established by the Spanish Health Authorities depending on the level of coronavirus alert. You should implement any measure established by the Health Authorities.

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# Sweden

Last updated:  
30/3/2020

## 1 Safety and hygiene

To minimise the risk of infection spreading in Sweden, all employers should make a risk assessment according to the provisions issued by the Swedish Work Environment Authority relating to systematic work environment management and infection spreading. The employer should plan how a potential outbreak in the workplace would be handled, identify the particular work tasks that needs to be done continuously and make sure that all the employees that carry out these tasks work under as safe conditions as possible.

Once someone has been confirmed sick, the employee cannot come back for work until he or she may do so according to his or her doctor. While the incubation period of the coronavirus is two to 14 days before symptoms of disease occurs, the employer needs to keep in mind that more employees can be affected continuously due to the high risk of spreading and therefore encourage the employees to keep awareness if they receive symptoms. A lot of people will not be tested, and if they feel sick, they should stay at home until they become free of symptoms and for two days after that.

We recommend you provide employees with guidelines on how the risk of spreading can be reduced in the workplace but also when to work from home, etc. The organisational and social work environment also needs to be

addressed, meaning that employees' anxiety about the coronavirus should be assessed and measures taken.

## 2 Testing

You can ask an employee if she/he has travelled to a high-risk area and whether she/he is infected. The employee has a responsibility to tell you whether he/she is infected or not. If the employee refuses to say if he or she is infected, you cannot force an employee to tell. Neither can an employer force someone to be tested, although a doctor may eventually do so (if the person refuses) through a decision by court. If the employee refuses to tell or be tested, you can instead order him or her to stay at home and not attend the premises. When someone is home due to infection, this should not be communicated to her/his colleagues, unless necessary. The employee must be informed about any such communication beforehand.

## 3 Restrictions on daily life

The Public Health Agency of Sweden has recommended high schools and universities close and provide education online.

Elementary schools are not closed. If there is a suspicion that a child is spreading the infection or if a child is infected, the employee can receive remuneration from the social security system ('VAB') for staying home. The

employee does not have the right to receive salary or social security system payments if he or she stays home with a child because of being worried that the child could get infected in school.

You have the right to instruct employees to work from home if needed, regardless of whether the employee has any symptoms or not. Work from home is recommended, if possible.

People who return from areas where there have been reported cases of the new coronavirus should look out for symptoms, but they do not have to be quarantined. If the employer has decided that they should stay at home, the employee should comply with such policy.

As stated above, the employer is responsible for the organisation and for ensuring the work environment is safe and that no one becomes sick because of their work. If this cannot be guaranteed due to an outbreak, the organisation may have to close down a site or an office temporarily.

### **Lockdown**

Sweden is not yet in lockdown, although various measures have been imposed which impact on certain businesses. For instance, public gatherings of more than 50 people are forbidden. Moreover, restaurants, bars, cafés, nightclubs and other businesses that serve food or beverages to their customers are required to take measures so that people do not queue up with a high risk of spreading Covid-19. For more detailed information, please see the [Public Health Agency's FAQ in English](#).

### **Employers' response**

Employers can agree with employees to reduce working hours and salaries. The Swedish government has implemented new legislation for a short time work allowance. For more information please see [here](#). If these options are not enough, the employer may have to terminate employment due to redundancy.

## **4 Pay**

If an employee is fit and available for work, but the organisation has decided that the employee should stay at home and the employee cannot work from home, he or she is entitled to salary. If the employee can work from home, salary must be paid.

If the employee chooses to work from home due to anxiety about becoming infected, the employer is not obliged to pay salary as this can be seen as refusal to follow the employer's order.

If an employee is infected and therefore sick, the employee is not fit or available for work. If that occurs, normal sick leave and pay rights in Sweden apply. The first day of sickness, which is normally unpaid, will now be paid by the social security system. There is also a proposal that the state should pay days two to 14 of sick leave, which is normally paid by the employer, for the coming two months.

If an employee is held in quarantine, for instance due to the risk of infection spreading, he or she may be fit for work but not available. In this case the employer is not obliged to pay salary if nothing else is decided. Employees in this situation have a right to sickness benefits under the Social Insurance Code.

## **5 Travel**

The Ministry for Foreign Affairs has advised against all travel abroad. From 19 March for 30 days travel to Sweden is not permitted, with certain exceptions.

## **6 Discrimination**

The employer's responsibility for a safe work environment creates a right for an employee to require that employees

report if they have visited an area where the virus is spreading or been in contact with persons that are infected. Employers must not ask any questions which may lead to future discrimination claims.

## **7 Reporting to the authorities**

There are no certain reporting responsibilities to any authorities. The employer should however make sure to collaborate with authorities in order to avoid the infection spreading. Make sure to cover how you deal with data privacy, as this involves sensitive health data.

## **8 Advice from the authorities**

A general preventive measure against respiratory infection is to avoid touching your face and eyes and to avoid close contact with sick people. Wash hands often with soap and warm water. Cough and sneeze into the bend of your elbow or into a tissue to prevent infection from spreading around you, or from contaminating your hands. Consider whether employees can work from home.

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## 9 Emergency laws and the implications for businesses

The Swedish government have proposed several new relevant tax orders and changes. For example, the government is proposing a deferral for payments of employer's contributions, employer's preliminary taxes for companies and VAT. More recently, the government has proposed actions directed mainly towards small businesses, such as a government loan guarantee, temporary reduction of payment of employers' social security contributions and individual contributions for all businesses with up to 30 employees, temporary discounted rental costs in vulnerable sectors and temporary modifications of the rules for tax allocation. For further information consult the [government's web page](#).

## 10 Other points

It is important to keep informed about new measures from the government and recommendations from the Swedish Public Health Agency, but also take the actions described above.

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# Switzerland

Last updated:  
28/3/2020

## 1 Safety and hygiene

You must provide and maintain a safe and healthy work environment. Therefore, you must stay informed on the ongoing spread of the virus and take the appropriate health and safety measures. These measures include monitoring and complying with the guidelines and rules published by the authorities, namely the Federal Office of Public Health ('FOPH').

At present, the following FOPH guidelines apply:

- Keep your distance, for example: protect elderly people by keeping an adequate distance from them; keep your distance when queuing or waiting in line; keep your distance at meetings.
- Wash your hands thoroughly.
- Avoid shaking hands.
- Cough and sneeze into a tissue or the crook of your arm.
- If you have a high temperature and a cough, stay at home.
- Always call ahead before going to the doctor's or the emergency department.

The FOPH has recommended that companies prepare a pandemic plan with the aim of both ensuring that essential business processes can be maintained, and minimising the risk of infection in the workplace. For this purpose, the FOPH

has published a manual for operation preparation for small and medium-sized companies, and advises to them activate their Business Continuity Management (BCM) system.

## 2 Testing

Employees must inform you if they are infected based on their duty of loyalty. This includes providing information about close relatives or other contacts who are ill. An employee would be in breach of his or her contract and risk severe consequences if he or she does not inform you of the infection. You cannot force an employee to get tested for coronavirus.

## 3 Restrictions on daily life

### **Lockdown**

The Swiss government has categorised the current situation as 'extraordinary' under the Swiss Epidemics Act. This means all public and private events are prohibited. In addition to banning classroom (face-to-face) teaching at schools, universities and other training and education, all shops, markets, restaurants, bars and entertainment and leisure facilities, such as museums, libraries, cinemas, concert halls and theatres, sports centres, swimming pools and ski areas have been closed. Also affected are businesses at which the recommended distance cannot be

maintained, such as hairdressers and cosmetics studios.

Exempt from the ban are food stores and other shops selling articles for everyday use, takeaway establishments, staff canteens, meal delivery services and restaurants for hotel guests, pharmacies, drugstores and shops selling medical aids (e.g. eyeglasses and hearing aids), post offices, sales points for telecommunications providers, banks, petrol stations, railway stations and other public transport facilities, maintenance facilities for vehicles and other means of transport, public administration offices and healthcare facilities such as hospitals, clinics and medical practices.

Other workplaces where the recommended distance can be maintained are not affected from the national lockdown. However, wherever possible, home office is recommended.

Employees are allowed to stay at home to look after their children due to the closure of childcare facilities or schools or in the event that their children are infected. As a general rule, this absence is limited to three days, which is deemed sufficient to arrange for alternative care.



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

Under the current circumstances, homeworking is recommended wherever possible. Homeworking may be specifically requested if an employee is quarantined by a doctor, but is still fit to work, and for employees at particular high risk.

If social distancing cannot be maintained in the workplace, you may be required to close down the workplace (see Lockdown measures, above).

If you are obliged to close the workplace due to national lockdown or if work is reduced due to the economic impact of the Covid-19 crisis, you may apply for short-time working compensation from the competent authorities. In our view, you may also invoke *force majeure* and refuse further salary payments. Further possible measures could include dismissals, agreements with employees on salary reduction or salary deferrals.

## **4 Pay**

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

If an employee is prevented from working for a personal reason for no fault of his or her own, you must continue to pay his or her salary for a limited period of time based on Article 324a of the Swiss Code of Obligations. Thus, if an employee is infected with the coronavirus and therefore unfit for work, he or she is

entitled to receive salary according to the rules set out above.

Likewise, if an employee cannot come to work due to the infection of his or her child, you are also obliged to pay his or her salary during the absence, normally for up to three days.

However, if the employee's child is not infected but the childcare facilities and/or the schools are closed, it is unclear whether you must continue to pay salary. In order to protect individuals from loss of earnings due to family care obligations, the Swiss government has now introduced a new form of statutory compensation for both employees and self-employed individuals.

If you decide to close down the workplace without being obliged to do so, you will have to continue salary payment.

If you are obliged to close down the workplace due to national lockdown rules, we are of the view that you are no longer obliged to continue salary payments.

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

If you are obliged to close the workplace due to national lockdown or if work is reduced due to the economic impact of the Covid-19 crisis, you may apply for short-time working compensation from the competent authorities. You will need the employees' consent to apply for this compensation. Statutory benefits cover 80% of the salary corresponding to the

lost working hours. Salaries are insured up to a maximum of CHF 148,200 annually.

The Swiss government has also made substantial funds available to finance bridging loans.

## **5 Travel**

You should offer your employees the opportunity not to use public transport at peak times if at all possible (e.g., temporary adjustment of the working time). Furthermore, business trips should be avoided for the time being. Employees might refuse business trips that are unreasonably unsafe.

No restrictions can be imposed on employees for private travels. However, based on the current FOPH recommendations, everyone is encouraged to stay at home.

## **6 Discrimination**

Based on the employer's duty to safeguard the employee's personality, employees must be protected against any form of discrimination. Thus, any measure should apply equally to all employees regardless of their nationality, gender or ethnicity.

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## 7 Reporting to the authorities

As of now, you are not required to report any infection to the authorities or inform or visit your doctor.

## 8 Advice from the authorities

The FOPH and the State Secretariat for Economic Affairs ('SECO') regularly publish information about the current situation in Switzerland and a number of guidelines and rules are available on their respective websites (some of the published information is available in English). You should therefore regularly check the information provided on the following websites:

- <https://www.bag.admin.ch/bag/en/home/krankheiten/ausbrueche-epidemien-pandemien/aktuelle-ausbrueche-epidemien/novel-cov.html>
- <https://www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/ge-sundheitsschutz-am-arbeitsplatz/Pandemie.html>

## 9 Emergency laws and the implications for businesses

In addition to the financial support measures described above, the Swiss government has made funds available for emergency aid for the tourism and

cultural sector as well as for sports organisations.

Given the enormous pressure currently on hospitals and clinics and the resulting workload, Swiss government has weakened the statutory restrictions on working hours and rest hours for employees in the health sector.

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# Thailand

Last updated:  
2/4/2020

## 1 Safety and hygiene

The Department of Disease Control at the Ministry of Public Health has issued guidance for employers on responding to the coronavirus outbreak.

This includes the following: making notice boards/posters of information on limiting disease transmission, conducting risk surveys about coronavirus among staff, conducting temperature checks every day before starting work, and keeping the workplace clean by means of proper disinfection measures.

## 2 Testing

If it is found that an employee has travel history to places found to have confirmed cases of coronavirus during the dates and times as announced, the employee should self-quarantine for 14 days and the health screening staff of the Department of Disease Control will monitor the employee during this period.

Separately, if an employee who comes to work has a fever (37.5 degrees Celsius) accompanied by at least one of the following respiratory symptoms: a cough, runny nose, sneezing or sore throat, you should grant the employee leave and allow them to go back home immediately to minimise the chances of spreading the disease in the workplace. If the employee is not better within two days or if their condition worsens, you should encourage

the employee to seek medical care at a hospital immediately.

## 3 Restrictions on daily life

### **Lockdown**

The government has issued an order to shut down a total of 34 types of venues, including crowded venues such as shopping malls, schools, universities, pubs, bars, theatres and sports stadiums in Bangkok and surrounding areas, until 30 April 2020 (this may be extended as the government deems appropriate). All restaurants are allowed to serve only take-home orders. For other provinces within Thailand, the local administration of each province has the power to issue orders or take tougher measures to prevent the spread of the coronavirus, and similar orders have been issued in many provinces. Thailand has postponed its traditional New Year holidays in April indefinitely.

For businesses that are not compelled to cease operations temporarily, employers are encouraged to permit their employees to work from home.

### **Employers' response**

*Where the employer intends to temporarily cease operations wholly or partly out of necessity*

Under the Labour Protection Act 1998, an employer is permitted to cease its

operations temporarily and pay employees at least 75% of wages in the event of a necessity which is not a force majeure event. However, the necessity must be sufficiently serious such that it affects the operation of the employer's business to the extent that it is unable to operate as usual. In the current situation, some employers that are not compelled to close their establishments temporarily but are significantly affected by the situation, may exercise this right in order to reduce their employees' wages. In those cases, the employer must give notice to both their employees and the labour inspector not less than three working days prior to the date on which the business operation will cease. As each business is different, the level of necessity must be considered on a case-by-case basis.

*Where the employer is forced to temporarily cease operations wholly or partly because of the government's order*

The government has released a notification closing down certain types of businesses temporarily as a preventive measure. This may be considered as an unavoidable force majeure event and if so, the employer has no duty to pay wages (i.e. no work, no pay).

### *Forced annual leave*

In the case of annual leave, you may determine the date(s) on which your employees are required to take annual leave (as the law provides that employers can specify the annual leave dates for employees) or annual leave can be mutually agreed between you and your employees.

### *Leave without pay*

You and your employees may mutually agree on leave without pay. Therefore, if you would prefer employees to take leave without pay due to the impact of the pandemic, you must request the consent of employees to do so.

## **4 Pay**

An employee is entitled to take sick leave for as long as s/he is actually sick and the employee is entitled to wages throughout the leave period, not exceeding 30 working days per year. If an employee is unable to work due to being hospitalized or quarantined, the employee will use this leave as sick leave. As at 2 April 2020, there are no specific measures issued by the government to support employees during the quarantine period.

## **5 Travel**

Employers should cease or limit business trips to countries where there have been many reported or suspected cases of

coronavirus. In particular, employees who have returned from abroad should immediately self-quarantine for 14 days following their return.

## **6 Discrimination**

Generally, an employer is required to treat male and female employees equally in employment unless the description or nature of work prevents such treatment. As such, when you will launch any policies during the coronavirus outbreak, you must implement them equitably, fairly and without discrimination.

## **7 Reporting to the authorities**

When one of your employees is confirmed as having the coronavirus, you must notify the relevant Public Health Office.

## **8 Advice from the authorities**

[Thai Ministry of Public Health](#) (available in English and Thai).

[Civil Aviation Authority of Thailand](#).

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

### *Emergency Decree*

On 25 March 2020, the Thai government announced an Emergency Decree to control the spread of the coronavirus in

Thailand. Under this Decree, a coronavirus emergency centre has been set up to keep the public informed on a daily basis. There will be a transfer of power from Ministers to the Prime Minister. Moreover, travel restrictions may be imposed. The Emergency Decree is effective from 26 March to 30 April 2020 and an extension may be announced if deemed appropriate by the government.

### *Tax*

The withholding tax rate imposed on payments for the hiring of work, services, professional fees and commission has been reduced from 3% to 1.5% from 1 April to 30 September 2020 and reduced to 2% from 1 October to 31 December 2020.

SME employers will be entitled to deduct three times the eligible wages paid to employees in respect of April to July 2020 for corporate income tax purposes, subject to certain conditions. Moreover, SME employers who participate in the government's low-interest credit measures will be entitled to deduct 1.5 times the interest paid from 1 April to 31 December 2020 for corporate income tax purposes, again, subject to conditions.

The filing deadline for personal income tax returns has been extended from 31 March to 30 June 2020.

VAT registrants (limited companies and public limited companies) will be entitled to obtain faster VAT refunds.

The social security contribution rate (for both employers and employees) has been reduced from 5% to 4% for March to August 2020.

### 10 Other points

Although employers may be severely affected by the crisis, termination of employment as a result of the pandemic does not exempt them from the requirement to pay statutory severance. In addition, even if you terminate employment and pay full statutory severance pay to the employee, employees could still claim damages for unfair termination and it is not known whether this would be upheld by the labour court, as it is as yet untested. The court would consider each case on its own merits.

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# Turkey

Last updated:  
27/3/2020

## 1 Safety and hygiene

You must inform all your employees about the health and safety rules they must follow to avoid coronavirus, such as washing hands frequently with soap for at least 30 seconds, avoiding being in crowds, wearing masks if they become sick, avoiding touching their face without washing hands, using hand sanitisers at the office and not sharing towels or glasses with those who have fallen sick.

Once a person becomes sick with a high fever, sore throat and cough, you must ask them to stay at home and call the number provided by the government for directions. Thereafter, you should closely follow up on other employees in their workplace too and warn them to be careful. If an employee is diagnosed with coronavirus, others who have been in contact with them, including colleagues, must be quarantined to avoid spreading the disease.

It is important to keep employees informed and handle any cases of coronavirus calmly and in a way that does not lead to panic and disorder at the office. You should set up systems to enable employees to work remotely if the virus spreads.

## 2 Testing

It is justifiable for employers to ask employees whether they are infected and/or whether they have recently

travelled to a high-risk area, and you should do so as a way of protecting your employees.

However, you cannot guarantee that people will always tell the truth and they may also refuse to tell you.

Note that at the moment there is no way for employers to force a person to be tested for the virus.

## 3 Restrictions on daily life

### *Lockdown*

Currently in Turkey, the operation of hairdressers, hairstylists, beauty centres is suspended temporarily, schools are closed and remote learning is in place until 30 April 2020.

### *Employers' response*

If an employee is put in quarantine, this is a *force majeure* event and entitles the employer to terminate the employee's employment. In a similar way, if the whole of your workplace is put in quarantine, this is also a *force majeure* event and entitles your employees to terminate their employment. Therefore, if a workplace has to close, you should think about whether remote working is possible and ensure people are set up with computers and internet connections to enable them to work effectively.

There are a number of actions that employers and the employees can take.

### *Requesting employees use unused paid leave*

In the current situation, we believe employers can request employees take paid leave days.

### *Requesting employees take unpaid leave*

Implementing unpaid leave is considered a material change in the employee's employment conditions; therefore, the employees' written consent to it must be obtained. Unilateral implementation of unpaid leave by the employer will be considered as unilateral termination of the employment agreement.

We advise employees' written consent must be obtained and unpaid leave must not be implemented for employees do not consent to it.

### *Collective leave*

Employers may implement collective leave in the workplace, covering all or part of the workforce from the beginning of April until the end of October. Employees who are not entitled to leave as of the date of the collective leave may also be included in this. Note employees' consent may also be required in some cases.

### *Part-time Employment*

During the risk period for the coronavirus, employers can implement part-time employment with prior written consents of the employees, or by agreeing this with employees mutually and signing additional protocols to record it. In part-time employment, each employee's working period must be 2/3 of the normal working period.

### *Remote Working*

To protect the health of the employees and the public, many employers have started to adopt remote working.

### *Short-time Working*

See 4 below.

### *Termination of employment agreement with just cause*

Where there is a *force majeure* event at the workplace which suspends work for a period more than one week, employees can terminate their employment agreements with just reason. Employers may also be able to terminate contracts under certain circumstances.

If there is a *force majeure* event accepted by the government, half pay may be made to the employees for one week within the scope of Labor Law and in such case, the employees may terminate their employment agreements with just reason pursuant to Labor Law following

the completion of such period of 1 (one) week and request making of their severance payments.

## **4 Pay**

Sick leave and pay is regulated under labour law and there are no special provisions for the coronavirus. If employees are not on a fixed monthly salary, your obligation to pay salary will only last for the first two days of the illness. After the second day, the Social Security Institution will take over and make a temporary incapacity payment to the employee based on his or her salary until the employee comes back to work, provided the employee is eligible.

During a workplace quarantine, employees are entitled to half pay for up to one week within the period when the *force majeure* event is taking place. After that, they have no entitlement to be paid.

### *Short-time working*

Short-time working has been enabled in Turkey to provide temporary income support employees employed in the workplaces where activities have been suspended and to decrease costs to the employers during the coronavirus epidemic.

Short-time working can be applied if the weekly working periods are decreased significantly activities have ceased partly or completely due to general economic,

sector-specific, regional crisis and *force majeure* events.

An employer that wants to implement short-time working must first inform the Turkish Employment Agency ('Agency') (and any union at the workplace that is party to the collective agreement) in writing. If the Agency approves the request, short-time working may be applied at the workplace by employers. In general, a review is conducted at the workplace by labour inspectors following such a request. However, given the current circumstances, the Agency has stated that a request for short-time working may be made by sending the Short-Time Working Request Form and a list with information on employees to whom short-time working will apply to the email addresses provided by the Agency, along with evidence.

In addition to the above, the review of the suitability of short-time working will only be conducted on the documents sent to the Agency and no physical visits will be conducted.

If an employer's short-time working request is approved by the Agency, the employer must announce it at a location visible to employees at the workplace (or notify them if it is this not possible) and inform any union that party to the collective agreement, if any.

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To be entitled to short-time working employees must be entitled to unemployment allowance as per the working periods and premium payment days in respect of unemployment insurance at the time of commencement of short-time working.

The daily short-time working allowance is 60% of the employee's daily average gross income. It is paid by the Agency during the period of short-time working for a maximum of three months.

## 5 Travel

You cannot prevent employees from visiting risky areas but can advise them to avoid certain places. If you ask an employee to go to a risky area for work and they refuse, we think you would not be entitled to terminate his or her employment, as this would be considered unjust.

## 6 Discrimination

If an employee who has coronavirus is not allowed to work or enter the workplace, this is unlikely to be considered discrimination, since you are also obliged to protect the health and safety of other employees.

## 7 Reporting to the authorities

Under data protection law, health data is considered sensitive personal data and

cannot be processed without the explicit consent of the data subject. However, there are exceptions if processing is necessary for the protection of public health. Therefore, we believe you should immediately tell the authorities if there are coronavirus patients at your workplace.

## 8 Advice from the authorities

The government advises people to check their health regularly and immediately go to hospital if they have symptoms. The government has warned people not to panic, but to be prepared for the spread of the virus.

The government has also issued advice about handwashing and sanitation and to avoid hugging, kissing and hand shaking.

## 9 Emergency laws and the implications for businesses

Some of the current precautions taken by the Turkish government are:

- Groceries will service between 09:00 and 21:00 and the maximum number of customers at one grocery store will be equal to 1/10 of the total service area (excluding storages, offices etc.).
- All public service vehicles operating in or outside of the city will carry passengers at only half of their capacity.

- People above the age of 65 and individuals with chronic diseases are prohibited from going out.
- Litigation proceeding are suspended temporarily (except for certain processes) until 30 April 2020.
- Schools and some businesses are closed, see 3 above.

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# Ukraine

Last updated:  
26/3/2020

## 1 Safety and hygiene

Even before you have any cases of coronavirus, you should offer some instructions to employees about washing and sanitising hands, coughing into the elbow, etc. You should also provide rules of hygiene, which you can adopt as an internal policy. Ensure that hand sanitisers are available. Tell your employees that they should stay at home and call the doctor if they feel sick. You may change the organisation's working hours and terminate access for outsiders to your offices.

If someone falls sick, ideally, you should urge that person to take a coronavirus test, especially if you have a legitimate reason to think that they may have the virus (e.g. a recent trip to a high-risk area). Let all employees know that they may stay at home on sick leave, if they feel ill. You may instruct your employees to work from home if the nature of the business and the employee positions allow it. Overall, keep people up to date on the condition of those who are sick and keep your instructions and sanitary rules in place for all employees.

## 2 Testing

You have a duty to ensure healthy conditions for all your employees and so it is reasonable for you to ask if they may have contracted the coronavirus. Employees are entitled to refuse to tell you if they are infected. However, you

may discipline employees who fail to follow the hygiene rules you have set out (provided you set them out in advance).

You do not have the right to force an employee to be tested against their will. The employer is only entitled to carry out medical examinations in circumstances strictly prescribed by law. However, if there is legitimate suspicion that the employee could be infected, you may suspend that person on full pay. During the suspension, the employee should be advised to stay at home and avoid coming to the workplace.

## 3 Restrictions on daily life

From 12 March 2020 to 24 April 2020 all schools, universities and other educational institutions will be closed for quarantine. Depending on the spread of coronavirus this term may be extended.

The Parliament has adopted a special law with measures to combat the spreading of coronavirus. Among them is recommendation that employers request their employees to work from home. The employer remains liable for work safety even where the work is performed from the employee's home or other places.

From 17 March 2020, it is prohibited to hold mass events with more than ten people.

## Lockdown

The nation's borders are closed until 3 April 2020 and this closure is likely to be extended further. The air connection is shut down, apart from planes commissioned by the government to evacuate Ukrainians who are stuck abroad. All airports except Kyiv Boryspil Airport (KBP) are closed.

The government announced the quarantine and state of nationwide emergency will last until 24 April 2020. Businesses and public transport will operate as follows:

- All intercity travel by rail or bus is cancelled.
- The underground is stopped in Kyiv, Dnipro and Kharkiv.
- Buses and trams will work with limited capacity and are only allowed to carry workers from critical enterprises with no more than ten people at once.
- Restaurants, cafes, shopping malls and fitness centres are closed, but businesses are allowed to provide deliveries if staff use protective equipment (masks and gloves).
- Shops, pharmacies, gas stations and banks may continue to operate with additional safety measures in place.

- Other businesses can continue to work online or offline.

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

The following measures are available to employers to manage the reduction of activity:

- requesting employees to work from home;
- temporary lay-off with 2/3 of salary to be paid;
- paid or unpaid leave, if the employee requests it;
- reduction of staff with 2 months' notice.

## **4 Pay**

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

Employees who are sick and have a doctor's certificate to prove it are entitled to sick leave and sick pay. The amount of sick pay will depend on their record of employment, at a rate varying from 50% to 100% of pay. The first five days of sick leave are paid by the employer. Starting on the sixth day, the Social Security Fund will pay the employer, who will pay the employee.

The employees who have been in contact with coronavirus infected people and who have been instructed by doctors to stay in

self-isolation under medical supervision are entitled to sick leave with 50% of their average salary paid by the Social Security Fund.

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

To date, no temporary benefits have been put in place by the government to pay employees or gig economy workers.

## **5 Travel**

From 14 March 2020, the Ministry of Foreign Affairs strongly recommends Ukrainian citizens to refrain from any non-essential travel outside Ukraine.

From 16 March 2020, foreign nationals are banned from entering Ukraine. Only those who have Ukrainian residence permits (temporary or permanent) will be allowed to enter.

Starting from 17 March 2020, the government has imposed a ban on rail, air and intercity buses until further notice. In cities it is prohibited to carry more than ten passengers simultaneously by public transport (buses, trams). The underground has been suspended in all cities where it operates (i.e. Kyiv, Kharkiv and Dnipro).

## **6 Discrimination**

You must take care to avoid any discrimination based on nationality in relation to those who may be suspected

of carrying the coronavirus. For example, if you were to introduce a blanket policy of limiting contact with Chinese employees, that would likely be discriminatory.

## **7 Reporting to the authorities**

You are under no obligation to report to the authorities. If an employee falls sick and goes to the doctor, the doctor should inform the authorities.

## **8 Advice from the authorities**

The government has put in place a [website dedicated to the coronavirus](#). It contains much useful information about the spread of the coronavirus.



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## 9 Emergency laws and the implications for businesses

On 24 March 2020 the government has announced the state of nation-wide emergency. It is not yet a martial law which has been also discussed but was not approved yet. Unlike the martial law, nation-wide emergency does not prescribe limitations of rights and freedoms, but is aimed to improve coordination between state authorities.

The Parliament has earlier approved social security holidays for private entrepreneurs (independent contractors). They will be allowed not to pay the social security contributions in March and April 2020. Apart from that, all businesses will enjoy the tax payment holidays in respect of the land tax.

The government has also announced temporary benefits for pensioners (i.e. an additional payment of UAH 1,000 to their state pensions).

## 10 Other points

The 'coronavirus law' allows employees to take an unlimited number of unpaid leave days. Before this, the ceiling for unpaid leave was 15 days per year.

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# United Arab Emirates

Last updated:  
30/3/2020

## 1 Safety and hygiene

Adopt precautionary measures to protect the general wellbeing, health and safety of all employees such as ensuring hand sanitisers and tissues are well stocked and available in all workplace locations. You should also ensure policies are effectively and transparently communicated to all employees on a periodic basis covering:

- limiting or staving off opportunities for disease transmission;
- organisation-wide contingency planning and associated arrangements (including 'work from home' strategies, limiting travel to high-risk areas save in exceptional and pre-approved circumstances, utilising teleconferencing facilities to conduct business, where appropriate, and regular updates on Government advice/circulars given the very fluid nature of global-wide announcements and their impact on employees and the business generally); and
- general education and awareness at the workplace.

Employees who have fallen sick should be requested to stay at home whilst concurrently considering accommodating potentially at-risk employees with the use of atypical working structures including remote working stations/arrangements. If

an employee exhibits or suspects he or she has symptoms of coronavirus infection, he or she should seek medical attention and only return to work upon medical clearance.

## 2 Testing

To ensure a safe and healthy work environment, you can ask whether employees have recently been in higher-risk regions or an affected area and/or whether they have a coronavirus diagnosis. Employees have a general duty to self-report. However, you cannot compel employees to undergo testing for coronavirus either routinely or if they have symptoms. If there is any suspicion (based on objective knowledge and assessment) that the employee may be exposed to the coronavirus infection and therefore a risk to the health and safety of others, you can require him or her to stay at home and see a doctor chosen by you to determine their fitness (or otherwise) for work.

For Dubai International Finance Centre (DIFC) and Abu Dhabi Global Market (ADGM) employees in particular, you should avoid any targeted screening questions which may relate to disability, nationality or ethnicity and advise employees that the objective of screening is strictly related to workplace health and safety (particularly as these two free zones have in place stringent anti-discrimination regimes).

## 3 Restrictions on daily life

### **Lockdown**

Effective 8 March 2020, the UAE Government ordered the complete closure of all nurseries and schools across the UAE for a four-week period.

The UAE is currently in a state of lockdown until 9 April 2020 (this may be subject to change) with applicable authority directives mandating that a minimum of 80% of the employer's workforce should be operating under a remote or home-working model; the remaining 20% are permitted to be office-based provided appropriate measures are in place with respect to social distancing and health and safety. Companies operating in business critical sectors which are broadly defined as including financial services, health sector, pharmaceutical, food and retail outlets, security services, construction, logistics and delivery services, supply chain, workshops, cleaning services and cash transport, are exempt from these directives; although they too remain subject to appropriate implementation of health and safety and social distancing measures.

A nationwide curfew is also in place until 4 April 2020 (this may be subject to change) and between the hours of 8pm and 6am in order for the applicable UAE authorities to undertake a deep clean sterilization program of the countries streets and public transportation systems and infrastructure. Anyone falling foul of this curfew will be subject to criminal punitive measures including fines. Those employees operating in the earlier indicated business critical sectors are generally exempt from this curfew rule.

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

As a result of school and childcare closures, employees may request flexible working arrangements. We recommend you initiate open communication channels to facilitate, where feasible, arrangements for these employees to continue working remotely or under temporary flexible working patterns (e.g. allowing them to leave work earlier).

If you do not have a homeworking/flexible work policy, consider putting one in place, if feasible, to deal with the threat of coronavirus; or implement contingency plans to allow for remote working. Consider introducing a policy where employees returning from high-risk areas/regions should work remotely for 14 days or take an additional 14 days' leave following their return from annual leave (or any other period advised by the UAE Government).

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

Where the workplace has to be closed, alternative work options should be considered for employees. Where these are not viable, you will need to decide whether to pay employees for any shutdown period, requiring employees to avail of unutilised annual leave, or agree a period of unpaid leave. In either case, we would recommend that you work in consultation with employees.

There is no concept of temporary layoff in the UAE. From a pure employment context, *force majeure* cannot be availed or relied upon by employers. The majority of employers are adopting a number of measures designed, initially, to sustain salary continuation for employees including forced annual leave, special leave, reduced working patterns with corresponding reduction in pay (with employee consent) or unpaid leave arrangements (again, with employee consent). Where business performance is being severely damaged by the coronavirus crisis, deeper cost-cutting measures are being applied and adopted including redundancies.

The Ministry of Human Resources and Emiratization (MOHRE) recently introduced a temporary decree permitting certain cost-cutting measures by employers of their non-UAE National

workforce including, and with employee consent, homeworking, unpaid leave and reduced salaries (permanent or temporary).

This is a rapidly evolving area with new measures being applied at very short notice.

## **4 Pay**

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

Normal sick leave entitlements in the UAE are broadly 90 calendar days of which the first 15 days are at full pay, the next 30 days at half pay and the remaining period without pay. For DIFC and ADGM employees, sick leave provisions are slightly different: 60 working days of leave (comprising full pay for the first ten days, half pay for the next 20 days and remaining 30 days without pay).

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

No measures to subsidise salaries of employees have been introduced.

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## 5 Travel

Travel restrictions are currently in place until 9 April 2020 (this may be subject to change) with inbound and outbound flights suspended. UAE residency visa holders currently outside the UAE, whether due to earlier business or personal travel, are currently prevented from re-entering the country; however, these individuals are directed to the Ministry of Interior's 'Tawjudi' information portal in order to facilitate communication channels with the applicable UAE authorities for a return to the UAE when permitted.

This is a developing area and additional bans and/or warnings might be implemented at short notice.

## 6 Discrimination

Employers should act in a non-discriminatory manner when implementing any actions or policies and maintain a discrimination-free workplace. In the DIFC and ADGM in particular, employers should be careful not to effect any differential treatment, directly or indirectly, on the basis of a protected ground, such as disability, nationality or ethnicity. Employers may be held vicariously liable if employees harass colleagues on protected grounds (e.g. Chinese employees or those from high-risk or affected regions), even if the employer does not know and would not approve of such treatment.

## 7 Reporting to the authorities

There are now strict reporting requirements to the applicable health authorities in the event that the employee has, or the employer suspects an employee has, coronavirus. An employee also has a positive duty to self-report to the applicable health authorities. Failure to adhere to these reporting requirements will result in stringent penalties being imposed, including fines.

## 8 Advice from the authorities

See travel advice at point 5 above.

## 9 Emergency laws and the implications for businesses

As earlier indicated, a nationwide curfew is in place. It enables the UAE police force to fine individuals who disregard the rules relating to it.

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# United Kingdom

Last updated:  
30/3/2020

## 1 Safety and hygiene

You have a duty to take steps that are reasonably necessary to ensure the health, safety and welfare of all your employees. You should take simple precautions such as following and enforcing the government requirement that everyone “stay home” (see below for more detail on this), strictly limiting work trips to those that are absolutely essential in line with government requirements, educating staff on hand and respiratory hygiene, conducting risk assessments and following government guidance in relation to self-isolation. With increasing numbers of employees working from home, you should consider how best to assess risks adequately and provide guidance and information to homeworkers on health and safety risks.

## 2 Testing

You can ask employees for information about their health, but this is a special category of data and so should be treated confidentially. You cannot require them to undergo testing for coronavirus either routinely or if they have symptoms. Testing for coronavirus is currently only being carried out for cases admitted to hospital.

## 3 Restrictions on daily life

### *Lockdown measures*

Current government guidance on quarantine advises:

- Employees with symptoms of coronavirus (however mild) should self-isolate for seven days.
- Employees living in the same household as others who have symptoms of coronavirus should self-isolate for 14 days.

All schools closed on Friday 20 March (except in relation to children of certain key workers). Employees have a statutory right to a ‘reasonable’ amount of unpaid time off where it is necessary to deal with unexpected events involving their dependants, including where a school unexpectedly closes. Some employers offer paid leave in these circumstances. Parents might also have a statutory right to (unpaid) parental leave which they could use. This is also subject to conditions.

On 23 March, the government announced that everyone is required to stay at home for at least three weeks. There is a limited exception for work which ‘absolutely’ cannot be done at home. You should only be allowing employees to attend work where it is not possible to work from home. If you genuinely require employees to be present in the workplace, you should consider staffing

requirements and reserve the right to require workplace attendance on short notice.

If you decide to close the workplace for a temporary period, you will usually need to keep paying your employees in full. In many cases employees may be able to work remotely. If not, employees who are unable to work would still be entitled to full pay, as they are able and willing to work but you are not providing them with work. The exception to this is lay-off (providing no pay for a period whilst retaining them as employees). This cannot be done without a clear contractual right or employee consent (see below for further detail).

Employers in certain sectors have also now been ordered to close, including pubs, restaurants, cinemas, theatres and most retail outlets. Legislation makes it illegal for many of these sectors to continue to operate. If the closure is compulsory, meaning it would be illegal for employees to continue to work, there is an argument that the affected employees are not entitled to be paid.



## ***Employers' response***

Measures for you to consider include:

- You could consider the new Coronavirus Job Retention Scheme which will provide UK employers whose operations have been severely affected by coronavirus with support for paying wages (see section 4 below on pay for further details).
- You may be able to lay off employees (provide them with no work) or provide employees with less work (and correspondingly less pay). Employee consent will be needed, unless there is a clear contractual right to do so in the contract of employment. There are specific statutory provisions which provide certain rights to a guaranteed payment and a statutory redundancy payment in certain circumstances.
- You could consider reducing hours for those employees who do not have a contractual right to any particular level of work (e.g. those on zero hours contracts).
- You can ask employees to take holiday if the appropriate notice is given. This may be covered by the contract of employment. If the contract does not say anything, the default arrangements in the Working

Time Regulations 1998 will apply: the requisite notice is double the amount of leave that the employee is being told to take.

- A redundancy situation arises when a business closes or where there is less work for employees to do. Redundancy is a potentially fair reason to dismiss, and you would also need to follow a fair procedure. You should follow rules for collective consultation if you are proposing to make 20 or more employees redundant at one establishment within a 90-day period.

## **4 Pay**

Unwell employees are entitled to your usual contractual sick leave and pay provisions, which normally includes any entitlement to statutory sick pay (SSP). Employees without any contractual entitlement may receive SSP if they meet the conditions (the government has announced that the three-day waiting period will be removed temporarily for absence related to coronavirus, backdated to 13 March). The government has also announced that it will reimburse employers with fewer than 250 employees any coronavirus-related SSP they pay to employees for the first two weeks of sickness, backdated to 14 March. Regulations implementing both these measures are expected soon.

There is generally no right to SSP if the employee is fit for work. However, the government has extended SSP to employees who are not sick but are self-isolating to prevent the spread of coronavirus in accordance with government/medical advice to quarantine and are unable to work. You should consider whether to apply the new SSP rules to company sick pay as well. If the employee is able to work remotely, you should pay their usual pay.

In other circumstances, if an employee is not sick but you ask to remain away from work you should pay them their normal salary.

The government has introduced the Coronavirus Job Retention Scheme to support employers paying wages during the coronavirus crisis. Announced on 20 March, the scheme will apply to all UK employers of any size and in any sector and involves 'furloughing' designated workers who will be kept on the payroll. The government will reimburse 80% of furloughed workers' wage costs, up to a cap of GBP 2,500 per worker per month. The employer can top-up the 80% payment but does not have to do so. The scheme will be backdated to 1 March 2020 and run for three months from that date (and may be extended after that date). Workers cannot do any work for an employer that has furloughed them.

On 26 March, the government also announced the Coronavirus Self-Employed Income Support scheme under which self-employed workers earning less than GBP 50,000 a year can apply for a grant worth 80% of their average monthly profits, up to a maximum of GBP 2,500 a month. Unlike the scheme for employed workers, the self-employed can continue to work as they receive this support.

## 5 Travel

The government announced on 23 March that everyone is required to stay at home for at least three weeks, subject to some limited exceptions. Although one of those exceptions is travelling to and from work where it is not possible to work from home, travel is strongly discouraged, and overseas travel is practically difficult. The FCO is advising against all but essential travel across the world and has advised anyone travelling abroad to return home now. You would be in breach of your health and safety duties if you insisted on employees travelling against government guidance.

## 6 Discrimination

Any request not to attend work should be related to potential exposure to the virus and should apply to all staff regardless of nationality or ethnicity, otherwise this could give rise to direct race discrimination claims. Refusing to approve personal travel to badly affected areas may indirectly discriminate against

certain employees (e.g. staff of Chinese ethnic origin) because such a ban would disproportionately affect them. It is a defence that the action is a proportionate means of achieving a legitimate aim. You could be vicariously liable if employees racially harass colleagues. Employers will only avoid liability if they can show that they took 'all reasonable steps' to prevent employees behaving in such a manner.

## 7 Reporting to the authorities

There are currently no specific requirements for employers to report to the authorities.

## 8 Advice from the authorities

[Government guidance for employers and businesses on coronavirus](#)

[Acas Coronavirus: advice for employers and employees](#)

[Coronavirus guidance on social distancing for everyone in the UK \(Gov UK\)](#)

[Claim for wage costs through the Coronavirus Job Retention Scheme \(Gov UK\)](#)

[Claim a grant through the coronavirus Self Employed Income Support Scheme \(Gov UK\)](#)

[FCO travel advice: Coronavirus \(COVID-19\)](#)

[FCO travel advice against all non-essential travel](#)

[Stay at home: guidance for households with possible Coronavirus \(COVID-19\) infection \(Gov UK\)](#)

[ICO Data protection and coronavirus: what you need to know](#)

## 9 Emergency laws and the implications for businesses

VAT and income tax payments have been deferred. There is a HMRC Coronavirus helpline if you cannot pay tax and there is a Time to Pay Scheme to delay payments.

There is a 12-month business rates holiday for all retail, hospitality, leisure and nursery businesses. There is grant funding available to businesses and a Coronavirus Business Interruption Loan Scheme.

Police have been given new powers to arrest people who break the coronavirus lockdown.

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## 10 Other points

Employers have a duty to protect the health and safety of staff, which involves taking additional care with employees who are known to be vulnerable. Current guidance is that coronavirus can cause more severe symptoms for older people, pregnant women and those with long-term pre-existing medical conditions. The government's latest advice on social distancing advises all vulnerable people to be particularly stringent and follow social distancing measures. Employers have additional specific duties towards pregnant employees.

As a result of the coronavirus crisis, gender pay gap reporting requirements are suspended for reports this year, the proposed IR35 reforms have been postponed to April 2021 and amendments made to the Working Time Regulations 1998 to enable carry-over of holiday into the next two leave years for workers who have been unable to take it.

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# United States

Last updated:  
30/3/2020

## 1 Safety and hygiene

Provide education on the proper method for washing hands.

Post reminders in key areas on the proper way to prevent the spread of germs, including:

- Wash hands frequently with soap and water for at least 20 seconds.
- Using hand sanitiser that contains at least 60-95% alcohol.
- Cover your mouth with tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).
- Discard tissues used when sneezing.
- Avoid contact with sick individuals.
- Practice proper hygiene.

Ensure tissues, hand sanitiser and disposable wipes are readily available for employee use. Consider providing no-touch waste receptacles.

Encourage employees to telework or take advantage of other remote working options, if feasible.

Ensure employees are aware of the importance of not reporting to work if they are ill and/or experiencing the following symptoms: fever, cough, shortness of breath, sore throat, runny or stuffy nose, headache, and fatigue.

Notify employees they will be sent home immediately if they report to work ill or become sick during the workday and will be separated from other employees in accordance with Center for Disease Control health guidelines.

If an employee is confirmed to have coronavirus, employers should inform fellow employees of their possible exposure to it in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

Communicate to employees that the organisation is monitoring the virus outbreak and will take proactive steps as necessary to protect their health. Decisions will be based on the best available information.

## 2 Testing

If you are an ADA-covered employer, you may ask such employees if they are experiencing influenza-like symptoms, such as fever or chills and a cough or sore throat. You must maintain all information about employee illness as a confidential medical record in compliance with the ADA. You can ask employees whether they have recently travelled to a high-risk area.

Employees can refuse to tell you if they are infected. However, organisations can act in the best interests of their

employees and not allow the employee to work temporarily.

Under the ADA, you can require current employees to undergo medical examinations when these examinations are job-related and consistent with a business necessity. Because the risk of transmission of coronavirus, even among international travellers, is still so low, requiring a medical examination for all business travellers returning from international travels is unlikely to be considered a necessity, and would potentially violate the ADA. Requiring a medical release for all individuals returning from travel to highly infected areas, however, is not likely to be seen as a violation of the ADA so long as it is narrowly tailored and doesn't delve into other non-respiratory medical conditions.

## 3 Restrictions on daily life

### **Lockdown**

The U.S. federal government has not imposed a nationwide lockdown; however, many state and local governments have issued such orders, and more are being issued on a daily basis. Information on state and major municipality orders is available [here](#).

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

An employer's response to a state or local 'shelter in place' order depends, in part, on the requirements of the specific order and the impact it has on the employer's financial viability. Telework or paid holidays may be an option for some employers while others may be required to layoff employees, either temporarily or permanently, depending on the employer's financial viability. In these situations, employers may be required by federal or state law to provide notice to affected employees before implementing the layoff. Employers with unionised workforces must consider the requirements of an applicable collective bargaining agreement (CBA) in determining what steps they may take. Whether *force majeure* applies to a specific contractual obligation depends on many factors, including whether the provision identifies a pandemic or public health crisis as a *force majeure* situation or whether it can be interpreted to apply.

Generally, notify employees who believe they may face particular challenges reporting to work to take steps immediately to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare and/or speak with supervisors about working from home temporarily or on an alternative work schedule. The ability to work from home varies depending on the nature of the job and business.

Organisations can make the business judgment whether to close the workplace.

## **4 Pay**

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

The recently enacted federal Families First Coronavirus Response Act (FFCRA), which applies solely for employers with fewer than 500 employees, provides for a limited period of paid sick leave (up to 80 hours) and expands the existing Family and Medical Leave Act ('FMLA') to provide an extended period of unpaid or partially paid leave for a public health emergency ('E-FMLA'). Under E-FMLA, the sole basis for partially paid leave (2/3rds of the employee's regular rate of pay for up to ten weeks) is whether the employee is not able to work or telework because he/she must provide childcare for a child below 18 years of age due to that child's school being closed because of the coronavirus or childcare is unavailable because of the coronavirus. The law is effective from 1 April 2020 to 31 December 2020. Additionally, coronavirus is likely to meet the definition of 'serious health condition' under the federal Family and Medical Leave Act (FMLA), meaning employees covered by the FMLA with the virus are entitled to (unpaid) FMLA leave subject to that law. State and local laws may require paid sick leave: ensure your sick leave policies comply with any that apply. Make employees aware of relevant human

resources policies, workplace and leave flexibilities, and what pay and benefits will be available to them.

If an organisation makes the decision to quarantine employees the decision whether to pay these employees depends on the organisation's policies, any applicable law for the jurisdiction, and concern about the welfare of employees and employee relations.

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

The Emergency Paid Sick Leave Act (the paid leave provision of the FFCRA) requires private employers who employ fewer than 500 employees (and government employers) to provide up to 80 hours of paid sick time to employees to the extent that an employee is unable to work (or telework) because he or she:

1. Is subject to a federal, state or local quarantine or isolation order related to coronavirus.
2. Has been advised by a health care provider to self-quarantine due to concerns related to coronavirus.
3. Is experiencing coronavirus symptoms and is seeking a medical diagnosis.
4. Is caring for an individual who is subject to a quarantine or isolation order or has been advised by a health care provider to self-quarantine.



5. Is caring for a son or daughter because the child's school or place of care has been closed or the child's childcare is unavailable due to coronavirus precautions.
6. Is experiencing any other substantially similar condition specified by the Secretary of the HHS in consultation with the Secretary of the Treasury and the Secretary of Labor.

Full-time employees are entitled to 80 hours paid sick leave, while paid sick leave for part-timers is equal to the average number of hours the employee works over a two-week period. If time off is taken for self-care, employees must be compensated at the higher of the employee's regular rate of pay, federal minimum wage, or local minimum wage. If time off is taken to care for a sick family member or a child who is not in school, employees must be compensated at two-thirds of their regular rate.

The amount an employer is required to pay to employees receiving Paid Sick Leave is capped. The caps differ depending on whether the employee is receiving full wages or two-thirds wages. There is a cap of USD 511 per day and an aggregate limit of USD 5,110 for those receiving full wages (categories 1, 2, and 3 above) For categories 4, 5, and 6 two-thirds rate), there is a USD 200 cap per day, with USD 2,000 aggregate.

Under E-FMLA, an employee may take paid sick leave for the first ten days of that leave period (if you qualify under the Paid Sick Leave Act), or the employee may choose to substitute any accrued PTO. For the following ten weeks, the employee will be paid for leave at no less than 2/3 of his or her regular rate of pay for the hours she would be normally scheduled to work. The employee will not receive more than USD 200 per day or USD 12,000 for the twelve weeks.

## 5 Travel

Organisations have the right to curtail business travel. They also can advise employees against personal travel to high-risk areas and the possibility of quarantine if they do so.

## 6 Discrimination

Organisations must ensure that their decisions are based on facts and are uniformly applied. Employees are protected by various anti-discrimination laws, including protection against discrimination based on national origin and race.

## 7 Reporting to the authorities

Organisations should report illnesses to the extent required by applicable law. Individual medical information is protected by various laws. If coronavirus is contracted at work, it would be a

recordable illness subject to OSHA recordkeeping requirements.

## 8 Advice from the authorities

Organisations should stay informed about any directives from federal, state, and local governments. They also should monitor guidance from organisations such as the Centers for Disease Control and the World Health Organization.

## 9 Emergency laws and the implications for businesses

FFCRA provides for a limited refundable employment tax credit equal to the amount that an employer pays to an employee under its paid leave provisions, i.e., up to USD 511 for a day of absence for the reasons numbered 1, 2 or 3 above, or USD 200 for absences for the reasons numbered 4, 5 or 6, above, to a maximum of ten days per employee for the year under the Sick Pay Leave Act and no more than USD 200 per day or USD 12,000 for twelve weeks, if the employee takes E-FMLA leave.

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Those amounts are increased by the amount of non-taxable health insurance premiums paid by the employer for employees who are on Emergency Paid Sick Leave, for the days of leave, and further increased by the amount of Medicare tax owed by the employer with respect to the Emergency Paid Sick Time payments (generally 1.45%). The total credit amount is also included in the employer's income for income tax purposes.

State and local orders relating to coronavirus vary and may include additional assistance for employers.

### 10 Other points

Organisations should provide ongoing guidance and information to employees based on developing facts and take appropriate steps based on those facts. They should avoid overreactions that unnecessarily raise anxiety levels.

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# Venezuela

Last updated:  
30/3/2020

## 1 Safety and hygiene

The national government and the Health Ministry have adopted the recommendations given by the World Health Organization (WHO) to prevent the spread of coronavirus in the country. General WHO recommendations include:

- Washing hands frequently.
- Social distancing (at least one metre).
- Avoid touching eyes, nose and mouth.
- Use of face masks and gloves.
- If early symptoms are detected such as fever, cough and difficulty breathing, seek medical care.

On 13 March 2020, the National Executive issued Decree No. 4,160 (the 'Decree') declaring a state of alarm considering the health and security risks deriving from the coronavirus pandemic. The Decree will be in force until 12 April 2020. The Decree provides the mandatory use of face masks in all public places and establishes quarantine and isolation of confirmed and suspected coronavirus cases.

On 16 March 2020, the National Executive announced a nationwide quarantine and imposed restrictions in moving among states and municipalities.

## 2 Testing

The Special Commission created to follow up, prevent and control coronavirus cases, has indicated a list of certified health centres to attend if coronavirus symptoms are shown. A broad testing programme has also been announced by the Commission.

You have no specific obligation to inform or report coronavirus cases, but because employers have a general obligation to ensure health and safety at the workplace, you could be liable if you fail to adopt adequate measures.

## 3 Restrictions on daily life

### **Lockdown**

**Schools:** The Decree suspended all school and academic activities from 16 March 2020. The local authorities and public and private educational institutions are to coordinate academic reprogramming and distance education platforms.

**Workplace:** Labour activities were also suspended from 16 March 2020. Certain sectors deemed essential are excluded from this nationwide suspension, including health services, police, telecommunications and media, fuel sales and gas stations, medical supplies, pharmaceutical services, food supply and water distribution. Restaurant delivery and take-out services are permitted.

**Quarantine:** The national quarantine also involves the suspension of public shows, exhibitions, concerts, conferences, sports and any other public events.

### **Employers' response**

**Essential sectors:** Employers in sectors deemed essential are working with the minimum personnel required to sustain operations and are adopting measures such as shift rotations to reduce personnel risk exposure. WHO recommendations must be strictly observed by these employers. Employers must further ensure that their employees have appropriate identification to prove that they qualify as essential personnel.

**Telework:** The call to suspend activities from the National Executive does not prevent employees who can perform work remotely (telework) from doing so. In these cases, employers have adjusted the terms of the employment relationship to include new ways of supervising and reporting work.

Other types of work: In the context of the Decree, to the extent that work cannot be performed remotely, employment relationships are suspended. This means that during the suspension, employees are not required to work, and employers are not required to pay salary, but must continue to pay social security contribution and food benefits. Benefits agreed through collective bargaining are not affected by the suspension either. Employee seniority continues to accrue during the suspension (this affects seniority-based benefits such as severance, vacations and vacation bonus). Some employers have chosen to pay compensation matching the employees' full salary or a portion of it, during the suspension.

#### 4 Pay

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

If an employee is infected by coronavirus, it is treated as a general illness and as such, the employee is entitled to paid leave. Once the illness has been certified by the Social Security, the Social Security pays two thirds of the employee's salary and the employer pays one third for the duration of the leave. However, if the employer has failed to register the employee with the Social Security, then the employer must pay the employee's full salary.

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

On 22 March 2020, the President announced that the Executive would pay the wages of all employees working for small and medium companies, for six months (from March to August). Payment would be made through the 'Patria' platform (an online system originally used for individuals to register and receive benefits from social assistance programmes). No guidelines or regulations on how this will be implemented have been published yet.

#### 5 Travel

All national and international flights (both commercial and private) except for overflight, air cargo and air mail operations, have been suspended since 17 March 2020.

#### 6 Discrimination

There are no specific provisions concerning coronavirus and discrimination, so employers should follow general anti-discrimination provisions.

#### 7 Reporting to the authorities

There is no specific procedure for reporting cases of coronavirus. The National Executive has published a list of health centres that are equipped to diagnose coronavirus. Additionally, a

survey has been made available to individuals registered with the Patria platform to determine if the individuals that take the survey can preliminary be identified as showing coronavirus symptoms.

#### 8 Advice from the authorities

The government has introduced strict movement restrictions and stressed the need to observe quarantine as well as the use of face masks if individuals are required to leave their homes.

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

*Taxes:* There is an exemption on Value Added Tax (VAT) and custom duties on the import and sale of face masks and other coronavirus-related goods made by public entities. This exemption will be in effect for a year.

*Police powers:* The Defence Minister has announced that the National Armed Forces are executing various immigration controls in states and cities across the country, as preventive actions to control the spread of the coronavirus.

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*Justice system:* Administrative proceedings and judicial activity are suspended, with the exception of claims involving constitutional rights and certain criminal proceedings.

*Other measures:* The President has announced other measures that include the implementation of a debt relief program, the suspension of rent payments for homes and businesses during six months and a prohibition on cancelling telecommunication services. However, these measures have not yet been published.

### 10 Other points

The Executive has confirmed the labour freeze until 31 December 2020. This means that employees, except top-level employees and occasional employees, cannot be dismissed without cause and without prior authorisation from the Labour Ministry. The labour freeze measure was already in effect before the coronavirus pandemic.

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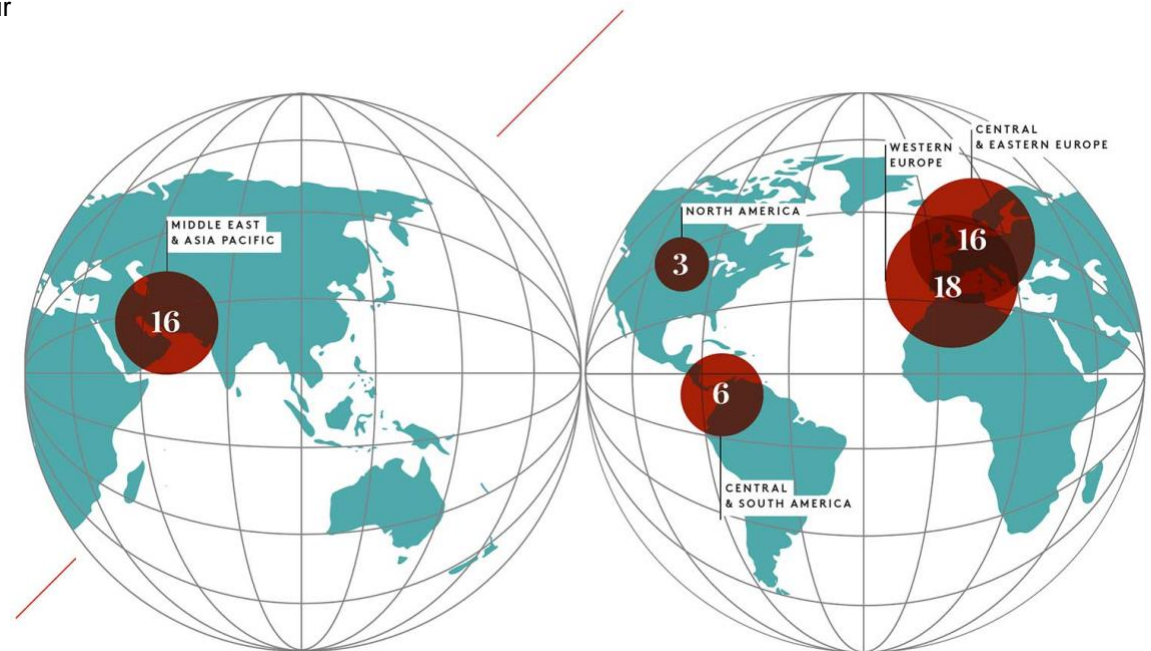
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