

# COVID-19: Back to Work

## Guide for International Employers

Most people are ready to get back to work and ensure their businesses are back on the road, but the danger to health is still out there. So, the big question is how to do it safely. Some of it may involve going back to the office in a safe way and some of it may be about setting up longer term arrangements for home working. We take a look at the issues.

Our specialist employment lawyers from across the world have put together this Back to Work Guide to help international employers navigate these key issues.



We take a detailed look at the following topics across the countries in our alliance of law firms:

**Our list of topics is:**

**1. Restrictions on national daily life**

**2. Local lockdowns and new national lockdowns**

*New Lockdowns  
Government Support*

**3. How to keep workers safe in the office**

*Back in the office  
Setting up the workplace  
Vulnerable employees  
Suspected cases  
Official notification  
Communicating with your workforce  
Return to work after recovery*

**4. How to organise homeworking for the long term**



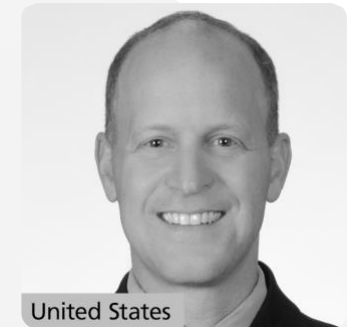
Tracy Zhu  
**China**  
Fangda Partners  
[tracy.zhu@fangdalaw.com](mailto:tracy.zhu@fangdalaw.com)



Desmond Wee  
**Singapore**  
Rajah & Tann  
[desmond.wee@rajahtann.com](mailto:desmond.wee@rajahtann.com)



Lea Rossi  
**Italy**  
Toffoletto De Luca Tamajo e Soci  
[slr@toffolettodeluca.it](mailto:slr@toffolettodeluca.it)



Jeffrey D. Mokotoff  
**United States**  
FordHarrison  
[jmokotoff@fordharrison.com](mailto:jmokotoff@fordharrison.com)

### Our Global Taskforce

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

**The coronavirus** is still spreading very fast, but people also want to get back to work. How to square the circle and get back to work without jeopardizing the health of employees. We provide a detailed Guide.

Note that we make every effort to keep this document up to date, but the landscape is changing rapidly. 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.

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to go directly to it:

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# Australia

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

The restrictions vary between each Australian State and Territory, driven primarily by COVID-19 case numbers. At the time of writing, Victoria (particularly Metropolitan Melbourne) remains at the highest level of restriction across Australia. Restrictions include a curfew, mandatory face coverings, limited reasons for people to leave their homes, and a requirement that exercise, as well as shopping for food and essential supplies, only occur within a five-kilometre radius of your home.

Current restrictions for each State and Territory can be found here:

- [Victoria](#);
- [Australian Capital Territory](#);
- [New South Wales](#);
- [Queensland](#);
- [Northern Territory](#);
- [Western Australia](#);
- [South Australia](#); and
- [Tasmania](#).

There is a National Three Step Framework for a COVID Safe Australia, which was announced by the Federal Government on 8 May 2020. It provides national guidelines for States and Territories, subject to expert health advice, with changes to be implemented based on each State or Territory's individual COVID-19 conditions. Details regarding the Three Step Framework, including a diagram are available [here](#).

Although the Three Step Framework is intended to be implemented in a synchronised manner across all States and Territories, differing rates of COVID-19 infections have resulted in a divergence in its implementation, particularly in relation to border restrictions.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

As described above, restrictions vary between each Australian State and Territory, driven primarily by COVID-19 case numbers.

### *Government support*

There are [a range of measures in place](#) to support businesses at both a Federal level, and an individual State and Territory level, including financial support.

## 3. How to keep workers safe in the office

### *Back in the office*

Where your employees have been working from home but are able to safely transition back to working from the office, a range of factors will need to be considered. Whether you will be able to force an employee to return will depend, as a general proposition, on the reasonableness of the request at the time, taking all factors into consideration.

Factors will include the current public health requirements in the specific State or Territory and the individual circumstances of the worker.

Before directing an employee to return to the workplace, you must consult with workers and health and safety representatives and ensure that you have in place return to work arrangements which adhere to relevant Federal, State or Territory advice.

### *Setting up the workplace*

Depending on the State or Territory, there may be a number of public health laws and orders that determine what businesses must do or can and cannot do. For example, this may include preparing a COVID Safe plan or whether employees must wear masks at the workplace.

[Safe Work Australia](#) has published a range of general and industry-specific guidance and resources which will assist employers with their legal duties to provide and maintain a safe working environment without risk to employees' or others' health.

### ***Vulnerable employees***

The Australian Health Protection Principal Committee, which comprises all State and Territory Chief Health Officers, has recommended that special measures be applied to vulnerable workers in the workplace. These provisions include that a risk assessment, specific to each vulnerable worker, must be undertaken by the employer, and any identified risk must be assessed and mitigated with consideration of the characteristics of the worker, their workplace and the work they undertake.

Where a risk cannot be appropriately mitigated, employers should consider alternate arrangements to accommodate their vulnerable workers. For example, this may include alternative duties, working from a different location, or taking a form of paid or unpaid leave.

The following people are, or are likely to be, at higher risk of serious illness if they are infected with COVID-19:

- Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions;
- people 65 years and older with one or more chronic medical conditions;
- people 70 years and older; and
- people with compromised immune systems.

Who is, or is not, a vulnerable worker is subject to change depending upon available evidence, and this should be

monitored regularly? For example, there is presently limited evidence regarding any higher risk to pregnant women, however, this does not prevent an employer from accommodating special measures for such employees, if requested or if necessary.

### ***Suspected cases***

if you reasonably suspect that a worker could be infected then it would be an appropriate safety control (and a reasonable direction) to require the employee to stay at home and not permit them to attend the workplace. There is also an individual responsibility for the worker to not attend work if they are displaying any symptoms, and in some States and Territories there is financial support available from the Government for workers who don't have access to paid sick leave.

If the person is in the workplace, you should seek to isolate the person from others and call your [State or Territory helpline](#) for guidance. and follow the advice of public health officials. In most jurisdictions, notification to your State or Territory workplace health and safety regulator and health authority will be required. You will almost certainly need to identify who at the workplace had close contact with the affected person, clean and disinfect the areas where the person and close contacts have been and review your COVID-19 risk-management controls.

### ***Official notification***

In most jurisdictions, notification to your State or Territory work health and safety regulator and health authority will be required.

A summary of work health and safety incident notification obligations specific to COVID-19, prepared by Safe Work Australia, is available [here](#).

### ***Communicating with your workforce***

The communication requirements will depend on the circumstances and should be informed by medical advice from the relevant health authority, and public health directions or orders in the relevant State or Territory. In general, you may communicate with your workforce that there has been an infection in the workplace. However, you should only use or disclose personal information that is reasonably necessary in order to prevent or manage COVID-19. For example, depending on the circumstances, it may not be necessary to reveal the name of an individual in order to prevent or manage the infection, or the disclosure of the name of the individual may be restricted to a limited number of people on a 'need-to-know basis'.

Further, you must comply with the requirements of the Privacy Act 1988 (Cth) with respect to the collection, use

and storage of personal information (for example, you must obtain an individual's consent when collecting their sensitive information (such as health information)). Additional legislation in each State or Territory may also impose further obligations upon the collection, use and storage of information related to an employee's health.

As a general proposition, we recommend being transparent with employees (including notifying staff of how their personal information will be handled in responding to any potential or confirmed infection in the workplace) and providing regular updates about the company's approach to COVID-19, along with the latest developments. Collection use and disclosure of any employee's personal information should be limited to what is reasonably necessary to prevent and manage COVID-19 within the workplace.

#### ***Return to work after recovery***

Workers can return to work when they have fully recovered and have met the criteria for clearance from isolation. The criteria may vary depending on the State or Territory and the circumstances of the workplace. Clearance may be by the public health authority or the person's treating clinician.

There are specific criteria for clearance which apply to some workers in industries, such as health care and aged care.

As the criteria and guidance may change, you should always check with the relevant public health authority before a worker returns to work.

#### **4. How to organise homeworking for the long term**

Employees have a right to a healthy and safe workplace, and in circumstances of homeworking this will include their home. The corresponding obligation on employers is to ensure the health and safety of the homeworking environment as far as reasonably practicable; increasingly there is a focus on ensuring the psychological health and wellbeing of employees.

Appropriate control measures might include:

- ensuring workers have appropriate workstations at home, including necessary equipment;
- providing access to information and support for mental health and wellbeing services, such as an employee assistance programme (EAP);
- maintaining regular communication with workers;
- offering workers flexibility as to when and how they undertake their work where possible to assist with other responsibilities they may have, such as caring for children who would otherwise be in school;

- taking action where you notice or suspect that a worker may be struggling;
- informing workers about their entitlements if they feel unfit for work; and
- appointing a contact person in the business who workers can talk to about any concerns related to working from home.

Employees who are working from home may be entitled to claim tax deductions at the end of the financial year for expenses incurred relating to their work such as utility running expenses, or the decline in the value of work equipment or furniture. An employee has the right to stop or refuse unsafe work when there is a reasonable concern of exposure to a risk to health and safety. This may include exposure to COVID-19.

If an employee is concerned about the risk of contracting COVID-19 in the workplace and wishes to continue to work from home, they should raise it with you or a health and safety representative in the first instance. It may assist to share information with the employee about the steps that have been taken to ensure a safe workplace and minimise the risks from COVID-19. If the employee's concern is not reasonable taking into account all relevant circumstances, then you would have the right to direct the employee to return to the workplace. If an employee does not comply with a reasonable direction to return to work,

**Contact our specialists in  
Australia**



John Tuck  
**Australia**  
Corrs Chambers Westgarth  
[john.tuck@corrs.com.au](mailto:john.tuck@corrs.com.au)



Joanna Kramer  
**Australia**  
Corrs Chambers Westgarth  
[joanna.kramer@corrs.com.au](mailto:joanna.kramer@corrs.com.au)

then you may be able to initiate disciplinary action. Employees are unlikely to acquire a right to work at home permanently simply because they have been required to do so as a result of the coronavirus pandemic. However, this will need to be determined on a case-by-case basis.

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# Austria

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

Social distancing measures and restrictions ordered by the Ministry of Social Affairs, Health, Care and Consumer Protection are still in place. These measures include keeping a minimum distance of one metre from others who do not live in joint households and the obligation to wear a mask when entering the customer area in closed rooms of business premises (e.g. banks, supermarkets, clothing stores, public pharmacies, post offices), in hospitals, in public areas of administrative authorities and courts and at events in closed rooms (except at assigned seats). The obligation also applies for provision of services (e.g. for hairdressers) and during demonstrations, if the one-metre distance cannot be maintained. It applies on public transport and in cabs, to areas with customer contact in accommodation establishments (hotels) and in sports facilities for guests and staff as well as in public swimming pools for bathers and staff. Staff in restaurants and cafes must wear masks and eating and drinking in closed public facilities is only allowed while seated; a distance of one metre must be maintained when entering and leaving the restaurant.

In general, business owners and their employees must wear a mask when in contact with customers, unless there is no other suitable protective device for physical separation between people which guarantees an equivalent level of protection to a mask.

Furthermore, additional measures are ordered (or at least recommended) in different areas of life like work/economy, education, tourism etc., based on a weekly update by the Ministry on the respective regional health risks (known as the 'Corona-traffic light').

The Minister of Education recommends that parents refrain from sending their children to school if their body temperature is 37.5°C or over. In this case, parents have the opportunity to use 'special care time', for a maximum of three weeks to be able to look after their children, provided they are not older than 14 (this has to be agreed between employer and employee).

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Despite the increase in the number of infections during the last weeks, the government has not yet announced any measures that companies will face if a renewed lockdown is imposed. It goes without saying that this would have a massively negative impact on the economy and especially on the income of businesses so that the government is bound and determined to handle the growing infection rates by the measures mentioned above.

## *Government support*

The corona short-time work scheme has been extended from 1 October 2020 for a further 6 months (until 31 March 2021) to further alleviate the economic consequences of the epidemic and avoid mass dismissals. It is conceivable that in the event of a further lockdown, other support measures will be used (such as exemptions or deferrals from payments of certain taxes or social security contributions, financial support through a fund, etc).

## 3. How to keep workers safe in the office

### *Back in the office*

As remote working ('Home Office') can only be implemented by agreement between employer and employee, employers may have reserved the right to unilaterally end a Home Office.

Agreement and could ask employees to come back to the office. Alternatively, some employers merely concluded the Home Office agreement for a limited time period. If a Home Office agreement was concluded for an indefinite period and an employer did not reserve the right to unilaterally ask employees to come back to the office in the context of the COVID-19 crisis, we believe this will not create a

long-term right to remote work, see 4 below.

### ***Setting up the workplace***

There are no specific obligations for employers about how the workplace should be set up during COVID-19. However, given their duty of care, employers are obliged to set up the workplace in a way to minimise the risk of infection for employees (and customers) depending on the kind of work that is conducted and the spatial set up of the office.

Employers must ensure that a distance of one metre is maintained between individuals in the workplace (including common rooms, elevators etc.). If this is not possible, other appropriate protective measures, such as wearing a face mask, plexiglass dividing walls or similar must be taken.

The Austrian authorities regularly publish guidelines on adequate measures in the workplace such as the provision of dispensers of disinfectants or adequate soaps, cleaning jointly used resources and surfaces more often than usual, or meetings and discussions in larger groups to be held via video or telephone meeting.

### ***Vulnerable employees***

There are no specific COVID-19 related protective rules for pregnant or elderly people. In an agreement between the

trade unions and chamber of commerce, companies are asked to allow pregnant women to be released from work. Many industries have passed recommendations of protective measures for pregnant women in the workplace. A breach of these recommendations may be considered a breach of the employer's duty of care.

Special rules apply for certain 'high-risk employees' to be identified by doctors based on certain medical indicators (such as lung or heart problems). If an employee submits a COVID-19 risk assessment to his employer, s/he is entitled to be released from work with continued payment of remuneration, unless:

- The person concerned can carry out work at home (home office); or
- the conditions for the performance of work at the workplace can be arranged using suitable measures in a way that an infection with COVID-19 is excluded to greatest possible safety (including measures for the commute to work).

### ***Suspected cases***

Employers should call the 1450 emergency number. Until the arrival of a medical officer or further instructions from the health authorities, it is highly recommended that the person possibly infected is accommodated separately. The instructions of the health authorities must be followed as otherwise

administrative fines may be imposed and damages may be claimed. Corona-tests are carried out based on the instructions of the health authorities if the (possibly infected) person concerned shows specific symptoms or has had contact with a confirmed case. If a coronavirus-infection is proven, the management has to contact the local health authorities immediately. In such case the public health authorities impose an officially ordered quarantine on the infected employee and possibly on third persons. Further measures (e.g. prohibition to enter the business premises, disinfection, closure of the company) must be taken in coordination with the health authorities.

The employer should clarify immediately with which employees and customers this employee has had close (less than 2 metres) and longer (more than 15 minutes) contact in the last 48 hours. Hence, the keeping of records of such contacts in the event of a possible infection is recommended. Contact persons should be asked by the employer not to come to work pending further notice. Concerning the information of the health authorities and calling the emergency number 1450 see our answers above.

An employer can basically always send the employee on garden leave (apart from specific groups of profession, like pilots), including in relation to a suspicion of coronavirus infection. A concrete reason is not required for this. However,

the employee also retains the right to remuneration for the duration of the leave of absence.

### **Official notification**

If there is a suspected case (acute symptoms, contact with a confirmed case) among employees the employer is legally obliged to inform the health authorities by calling the emergency number 1450. If a coronavirus-infection is proven, the management has to contact the local health authorities immediately.

### **Communicating with your workforce**

How and what you communicate with the workforce depends on the individual case. If an employee who has not had any contact with the workforce (e.g. due to working from home) is infected, employers should inform employees that a person has been infected (but there has been no contact). Due to data protection law it would not be reasonable to also communicate the name of the infected person in such case.

If an infected person has been in contact or in the same room with other employees, employers must inform the employees in question about the infection and usually may also tell them the name of the infected employee in order to comply with their duty of care (as the measure avoids the further spreading and therefore is an adequate reason for the disclosure according to data protection principles).

### **Return to work after recovery**

An infected employee may return to work:

- If the course of disease is mild, at the earliest ten days after the onset of symptoms and if the infected person has been free of symptoms for at least 48 hours (after consultation with the health authority).
- After previous hospitalisation (due to a severe course of disease): at the earliest ten days after discharge from hospital and absence of symptoms for at least 48 hours (after consultation with the health authority).

### **4. How to organise homeworking for the long term**

In Austria, the employer is basically responsible for providing, installing and maintaining the work equipment required for employee's work, and therefore also for homeworking (if the latter is agreed) and must therefore reimburse any costs incurred as a result (such as telephone or Internet costs). Furthermore, the employer is obliged to ensure health and safety at the place the employee is working remotely (including ergonomics) and to observe employees' privacy as well as data protection.

When teleworking is contractually defined, the costs of the equipment provided by the employee should also be regulated. According to paragraph 1014

of the Austrian Civil Code (ABGB) reimbursement requires a specific calculation of the (proportionate) costs of use of the employee's own equipment. Usually reimbursement of the expenses is made by means of a lump sum or can be considered to be covered by the current remuneration (as long as the applicable minimum remuneration remains untouched and the overpayment is used to cover home office costs).

The provisions on working time records are alleviated for homeworking so that the employee has to record only the duration of daily working hours (and not the concrete start and end, rest period etc).

Rules on the processing of (sensitive) data must be followed also while working from home. Employers have to instruct the employees accordingly and ensure the confidentiality of personal data processed by employees through specific confidentiality agreements for the homeworking period.

Since homeworking has to be agreed, employees basically don't have an entitlement to Home Office based on COVID-19 concerns. The position is different for vulnerable employees in risk groups (see *Vulnerable employees*, above).

If a Home Office agreement was concluded for an indefinite period and an employer did not reserve the right to unilaterally ask employees to come back

**Contact our specialist in  
Austria**



Birgit Vogt-Majarek  
**Austria**  
Schima Mayer Starlinger  
[birgit.vogt-majarek@sms.law](mailto:birgit.vogt-majarek@sms.law)

to the office (this was often the case during the lockdown) it can, in our opinion, be argued that it was implicit that the home office agreement was only concluded due to the COVID-19 lockdown and that it was always clear that employees would need to get back to the office as soon as the restrictions were loosened. Following this argument, employers are basically entitled to require employees to come back to work as long as adequate safety measures can be provided. The government currently plans to further legally determine the home office framework, while keeping the voluntary character of home office work.

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# Bahrain

Last updated:  
07/09/2020

## 1. Restrictions on national daily life

The government's lockdown in operation since 24 April was partially lifted on 7 May 2020. Commercial and industrial businesses that provide goods or services directly to customers have been allowed to re-open provided that the wearing of face masks is obligatory for anyone on the premises, social distancing is implemented, and premises are regularly disinfected.

The government has refrained from ordering a curfew but has urged citizens and residents to remain at home as much as possible and leave only if necessary. Public gatherings of more than five individuals have been banned and gatherings in public beaches and parks have also been prohibited. Violators face a jail term of up to three years and/or a fine of up to BD 5,000. Anyone going out in public must wear a face mask; those who fail to comply are subject to a fine of BHD 5. As of 2 August 2020, commercial vehicles have been permitted to travel to the Kingdom of Saudi Arabia via the King Fahad Causeway. Further, the Ministry of Justice, Islamic Affairs and Endowments has decided that, as of 28 August 2020, mosques will gradually open with mandatory health precautions.

As of 3 September 2020, gyms and sports halls, outdoor sports fields, swimming pools, outdoor dining at restaurants and coffee-shops, and training institutions have opened. Some restaurants are permitted to allow private

bookings of 10-20 people. The final phase of scheduled re-opening is to take place on 24 September 2020, with the reopening of all dining services.

Also, on 3 September the government announced that the issuance of on-line and on-arrival visas to nationals from eligible countries shall resume with immediate effect.

## 2. Local lockdowns and new national lockdowns

### *New Lockdowns*

There are no plans for new lockdown.

### *Government support*

The government has extended the salary subsidy for Bahraini national employees in the private sector by paying 50% of their salaries for the months of July, August and September to eligible employers. However, this support is conditional on employers retaining their employees for the remainder of 2020 and committing to paying the remainder of their salaries in full.

## 3. How to keep workers safe in the office

### *Back to the office*

Although the government has recommended working from home, this is not mandatory. Therefore, employers can oblige employees to work from their

respective offices. However, employees arriving in Bahrain from abroad are required to quarantine for ten days. Nonetheless, the ten-day quarantine will be lifted for individuals who test negative following their arrival.

### *Setting up the workplace*

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

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

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

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

Employees can refuse to disclose details of their medical health but if there is any suspicion that the employee may be a risk to the health and safety of others then she/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.

### ***Vulnerable employees***

There are no separate rules, but Bahraini mothers employed in ministries, government bodies and institutions have been directed to work from home during the temporary closure of public and private schools and kindergartens.

### ***Suspected cases***

- Where there is a suspected case of coronavirus then this should be immediately reported to 444 whereby the situation will be evaluated, and instructions will be given thereafter. Nonetheless, the Ministry of Health has provided the following general recommendations in the event of a

suspected case of coronavirus in the workplace:

- Escort the relevant employee to a separate, isolated, well-ventilated room (employers need to dedicate a special place for isolation which is not typically frequented by staff).
- Ensure that employees do not touch the belongings of the individual who may be infected and that any personal items of this person are safely removed from the vicinity of other employees.
- Ensure that employees remain calm and their safety is assured.
- Inform employees that proper measures will be taken in identifying their exposure.
- Ensure that the workplace of the employee who is or may be infected is properly disinfected and sanitised.

Employers can require employees suspected of being infected to remain away from the workplace. The relevant employee may either be asked to work from home or to stay at home on sick leave. However, suspected cases must be immediately reported to the 444 hotline.

### ***Communicating with your workforce***

There are no specific requirements on how employers should communicate infection information and employers are free to decide how they wish to do so.

However, any communication should maintain the confidentiality of employees that are confirmed to be infected with COVID-19.

### ***Return to work after recovery***

Following reporting an infection to the 444 hotlines, the Public Health Directorate will provide the employer with all necessary details about the relevant employee, enabling the employer to make a decision as to when the individual may be able to return to work.

### ***Official notification***

Employers are required to report a suspected case via the 444 hotlines. There is no requirement to give further notification. The Ministry of Health's contact tracing officers will engage the employer to identify any persons at the workplace who may have had close contact with the employee if he/she tests positive for COVID-19.

## **4. How to organise homeworking for the long term**

Where employees are required by the employer to work from home then the employer must ensure that the employee

**Contact our specialist in  
Bahrain**



Zahir Qayum  
**Bahrain**  
Al Tamimi & Co  
[z.qayum@tamimi.com](mailto:z.qayum@tamimi.com)

is working from a safe environment that complies with the health and safety requirements for the workplace. Employees can also request that employers provide them with the necessary tools and equipment to perform work from home and this can extend to covering fixed costs such internet and telephone charges.

There is no provision in the Bahrain Labour Law for homeworking and there is no statutory right to do so or to request homeworking. Employees can request to work from home if they consider that the workplace is not a safe environment. However, employers are under no obligation to grant these requests and can refuse them where they have complied with the health and safety at work requirements and put in place the measures suggested by the Ministry of Health to safeguard against COVID-19.

There is the potential for employees to argue that they have acquired the right to work from home where they have done so for a certain period and in circumstances where it was not imposed by the government and either both or one of the parties had requested it. Whether employees will be able to establish a legal right to homeworking will depend on the court finding that the employee's work location had been varied by agreement or over a period of time by practice.

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# Belgium

Last updated:  
11/9/2020

## 1. Restrictions on national daily life

The current situation can be summarised as follows:

- All organisations are now allowed to (re)open their doors, with the exception of jacuzzis, saunas and hammams (except for private use), and discotheques and dance halls.
- Shops and stores must take various preventive measures, such as providing hand hygiene, limiting the number of customers, etc.
- Shopping malls can reopen subject to conditions.
- Shops may remain open during normal opening hours, with the exception of night shops, which must close at 22:00 at the latest.
- Cities and towns are allowed to reopen markets, subject to conditions.
- The hotel and catering sector is allowed to reopen partially and under strict conditions.
- Organisations, whatever their size, are still strongly recommended to organise remote work for staff whose functions lend themselves to it. When the organisation does not apply teleworking, it must implement preventive measures aimed at observing social distancing rules as much as possible. This means that a distance of 1.5 metres must always be maintained between people.
- Organisations must take preventive measures set out in the Generic

Guide (see below), or other measures offering equivalent protection. Organisations must develop prevention measures at the level of the organisation in consultation with the internal and/or external service for prevention and protection at work, complying with the rules of social dialogue. Compliance with these measures is actively monitored via checks in the workplace by the Inspection. If (permanent) serious violations are detected, the Inspection is empowered to order the cessation of activity or the closure of the workplace

- Wearing a face mask (or alternative) is compulsory from the age of 12 in places where many people come together.

The country has reopened but there is still a risk for a (partial) lockdown and measures taken now vary from province to province. Schools have re-opened under strict conditions.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

In the event of lockdown, organisations may face a decreased workload, a slowdown of business and face issues related to new restrictions (such as the limitation to a 'bubble' of five persons per family, strong teleworking recommendations...).

Employers must examine in parallel with/in addition to the governmental measures (which are the absolute minimum) which additional preventive measures must be taken at the level of the organisation, departments and workstations. These preventive measures must be based on risk analyses, if necessary, after consultation with the competent prevention department (internal or external) and information and consultation with the Committee for Prevention and Protection at Work ('CPPT'). It is not sufficient to only observe the government measures imposed.

### *Government support*

Numerous business support measures have been put in place at federal and regional level. These are not dependent on continued or new lockdown measures. At the federal level, they include:

- Continued application of the flexible corona *force majeure* temporary unemployment regime until 31 December 2020 for 'sectors particularly affected by the coronavirus' or 'organisations particular affected by the coronavirus'. The sectors



concerned have been determined by the Minister of Employment (currently only on her website since the decree must still be published). To qualify as a 'particularly affected organisation', organisations must prove a temporary unemployment rate of 20% of the total number of days declared in Q2 2020 to the NSSO.

- Organisations that do not qualify for the continued corona *force majeure* temporary unemployment regime may apply for a more flexible temporary unemployment regime for economic reasons from September until 31 December 2020 for white-collar employees. It can be invoked by organisations that have a decrease of at least 10% in turnover in the quarter preceding the application compared to the same quarter in 2019.
- Temporary exemption from payment of the withholding tax is introduced for organisations that are heavily affected for June, July and August 2020 remuneration. Employers who wish to benefit from this exemption must submit two separate declarations with regard to the withholding tax.
- A number of tax provisions promote the liquidity and solvency of organisations. A draft law foresees the possibility for organisations (both in terms of personal and corporate income tax) to compensate potential

losses this year with profits from the previous year.

- A system of consumption vouchers has been put in place allowing employers to offer vouchers for a limited amount (300 EUR) free of income tax and social security contributions.

At the regional level, multiple measures (e.g. solidarity funds, premiums, protection mechanism, etc.) have been taken.

### **3. How to keep employees safe in the office**

#### ***Back in the office***

In principle an employer can require an employee to return to work, provided the employer puts in place the appropriate preventive measures to ensure the employee's health and safety and the employee is not sick or in mandatory quarantine. Note, however, that teleworking is still strongly recommended. In addition, if the employee feels that the health requirements are not met, he/she must question the employer about this and the employer must examine this.

#### ***Setting up the workplace***

Teleworking is no longer mandatory in 'non-essential' organisations but remains strongly recommended. If teleworking is not applied, organisations must take measures to ensure maximum

compliance with the rules on social distancing (1.5 metres between each person). The employer organisations and trade union organisations have drafted a generic guide of best practices for employers, see [here](#). In certain sectors, specific guides have been created.

The FPS Employment, Labour and Social Dialogue has published a detailed list of prevention measures for the workplace (in Dutch and French), available [here](#).

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

- You should regularly disinfect, provide disinfecting products and promote regular and thorough handwashing 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 instructions on what to do if someone shows signs of coronavirus infection.

### ***Vulnerable employees***

Employers must, in cooperation with the prevention advisor-occupational physician, carry out a risk analysis, covering all risks that may have an influence on the health and safety of a pregnant (or breastfeeding) employee as well as on the health and safety of the (unborn) child. If the risk analysis shows that there are health risks for certain jobs, the employer must implement prevention measures. The employer must also inform the prevention advisor-occupational physician of the employee's pregnancy. If the risk analysis shows that the performance of her function may entail risks to her health, the employee will be examined by the prevention advisor-occupational physician.

Based on the advisor-occupational physician's decision and the results of the risk analysis, the employer must take one of the prevention measures with regard to the pregnant employee (temporary adjustment of working conditions or working time, alternative work compatible with her state of health, or removal from work).

### ***Suspected cases***

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

Legally, employees must refrain from anything that could harm their safety, that of other employees, their employer or third parties. In general employees are not obliged to inform you about their health nor can you ask them to prove that they are fit to work. However, an employee with coronavirus who continues to work and fails to inform you could incur civil liability. Testing may be subject to strict conditions, set out by the authorities: in Belgium currently, a person can ask to be tested if he or she shows severe physical symptoms of possible infection or is treated in hospital.

Employers may also instruct employees to notify management about any trips made or planned to infected areas or any contact with confirmed cases of infection.

### ***Official notification***

There is no general requirement to inform the federal or regional

governments. Based on health and safety principles, we believe the employer should however inform the prevention counsellor and, depending on the size of the company, the CPPT.

### ***Communicating with your workforce***

The employer must inform employees of the measures taken in the organisation to minimise the risk of spreading the virus, including employees who come from abroad. It is the employee's responsibility not to come to work if s/he feels ill or to leave immediately if s/he has symptoms, informing the employer according to the rules applicable in the organisation.

The employer can only communicate general information to the other employees about a (suspected) case. The identity of the person(s) involved cannot be disclosed. Employees who are at risk should only be informed in general terms about the risk and the most appropriate measure.

### ***Return to work after recovery***

Once the (infected) employee is no longer sick, he/she can return to work. The same applies to employees after quarantine. There are no specific rules

## Contact our specialists in Belgium



Inger Verhelst  
**Belgium**  
Claeys & Engels  
[inger.verhelst@claeysengels.be](mailto:inger.verhelst@claeysengels.be)



Sophie Maes  
**Belgium**  
Claeys & Engels  
[sophie.maes@claeysengels.be](mailto:sophie.maes@claeysengels.be)

and the employer cannot ask a certificate stating the employee is fit to work.

#### 4. How to organise homeworking for the long term

An expense allowance may be granted (exempt from social security contributions) to employees who work entirely at home during the crisis (even employees who did not previously work at home and for whom the employer had not formally concluded a telework agreement). If the employee has other expenses (use of own telephone, purchase of a screen or scanner, etc.), the employer may also reimburse them. The reimbursement must be based on the actual costs. For full details please consult our [FAQ section 8.2](#).

Employees are generally obliged to perform work and obey orders from their employer. Employees may not be absent from work on their own initiative due to fear or abstract risk of infection.

Currently telework can only be a right for the employee if it results from the company's work rules or from his/her employment contract. The COVID-19 crisis has prompted specific government measures strongly recommending teleworking, but these measures are temporary and cannot constitute a right.

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# Brazil

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

If necessary, the federal, state or municipal, governments can order quarantine, curfews, restrictions on circulation and closing of non-essential activities. Restrictions vary according to local needs, but federal law only can determine if activities are essential. Many companies have opted for voluntary quarantine. Those who are carrying on with their operations during the pandemic must provide information, protection and sanitising material and adjust operations to minimise contact and proximity, to comply with the duty to look after employees' health if not to comply with any express legal requirement. Specifics are dictated by municipal regulations, so there may be slight variations from one city to another. For example, distancing between two workstations must be 1.5 metres in São Paulo and 2 metres in Rio.

As a result of local regulations, in São Paulo, companies may also have a duty to provide employees with masks and to install protective equipment (e.g. barriers and distancing) and to provide sanitising materials. Extraordinary legal provisions permit the suspension of employment for up to 90 days (similar to furlough), the reduction of work hours and salaries by up to 70% and up to 90 days' anticipated vacations, among other temporary emergency measures (see details in 3 below).

## 2. Local lockdowns and new national lockdowns

### *New Lockdown*

If new lockdown measures are imposed, only the essential activities determined by presidential decree may carry on their operations. The current list has 21 groups of related essential activities in the fields of public infrastructure and services, including those under concession, such as power generation, food, health, fuel, transportation and storage of essential products, chemicals and other materials necessary for essential products and services, among others.

### *Government Support*

The government still has a special programme in place to protect employment from layoffs through reduced work hours and salaries or to suspend employment agreements. Special conditions include protection against dismissal after the return, tax exemption on voluntary allowances offered by the company and a special pension paid by the government to affected workers. The government might repeat the transitional deferral of payroll taxes and contributions that was in effect in the early months of the pandemic when we had lockdowns.

## 3. How to keep workers safe in the office

### *Back to the office*

Yes, if there are no lockdown restrictions in place; the employee is fit for work and the employee does not have any condition or vulnerability that requires special protection.

### *Setting up workplace*

In Rio, Municipal Decree 47,488/2020 grants companies the permission to reopen provided the company and employees observe the '10 Golden Rules' dictated by the Resume Programme. The Programme has six phases and Phase 6-A has recently been initiated, covering most activities. In São Paulo, Municipal Decree 59,473/2020, also grants companies permission to reopen, provided they comply with the relevant protocol agreed upon by the relevant trade/industry association and the municipality. For office-based employment, the Rio Programme and the São Paulo protocols are very similar and include the following obligations on the employer:

- Providing sanitizing materials, masks and other protective equipment.
- A special cleaning routine (in Rio, every three hours).
- Keeping employees distant from each other (2 metres in Rio, 1.5 metres in São Paulo).

- Providing adequate ventilation by keeping windows open and cleaning the air-conditioning system. Open windows pose a practical problem in modern buildings whose windows do not open for safety reasons, so we believe this one may be waived by inspection authorities.

In the event of litigation, the Labour Courts may, however, impose restrictions or conditions based on the employer's general duty to look after its employees. A recent decision by the Labour Court of Santos, State of São Paulo, granted injunctive relief to stop a bank from requiring employees to resume in-office work if they live with individuals in a COVID-19 risk group. The injunctive relief was granted until further revision by the court or the expiration of the 'state of calamity' (31 December 2020).

### ***Vulnerable employees***

You must inform vulnerable employees or groups, or employees who cohabit with vulnerable individuals about the disease and risks of contamination. Local rules or industry regulations may require special routines or precautions concerning these groups, such as, making them the last group to go back to work if reopening is in tranches, or requiring them to remain on remote work or leave depending on medical assessment.

### ***Suspected cases***

You can ask an employee about risks of infection, including travel, because there is a legitimate public interest and because you are legally responsible for ensuring you provide a safe and healthy workplace. Temperature scanning is also acceptable but requires medical supervision. Thy company may ask its employees to be tested, especially if the work environment is particularly challenging, for example, on oil rigs. Consent is always necessary. However, you cannot force employees to be tested. If the employee refuses to be tested, the company will need to evaluate the best option under the circumstances, including, leave, suspension of contract, assignment to a different job on remote work and termination. If someone shows up with symptoms of COVID-19, you must immediately put the employee on medical leave and send them to the occupational medical service for proper examination and diagnosis.

Employers not only have the capacity but the duty to prevent suspected cases from coming to work. Employers have a duty to look after employees' wellbeing and to promote a safe and sane workplace. Employers also have the discretionary capacity to organise and regulate work conditions.

### ***Official notification***

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.

### ***Communicating with your workforce***

There is no mandatory format or content for informing the workforce about infection. We recommend communications should be in writing, straightforward, clear and to stick to the essential.

### ***Return to work after recovery***

Medical discharge is necessary. The company is responsible for paying for medical leave for up to 14 days. After that, the employee will be covered by the Social Security Programme and collect sick leave benefit. In this case, the employee can only return to work after discharge from the official Programme.

## **4. How to organise homeworking for the long term**

First, the employer must obtain the employee's consent in writing (between

## Contact our specialist in Brazil



José Carlos Wahle  
**Brazil**  
Veirano Advogados  
[jose.wahle@veirano.com.br](mailto:jose.wahle@veirano.com.br)

April and July the consent was waived under Provisional Measure 927/2020). The written agreement must minimally stipulate the following conditions:

- The employer must provide the employee with the necessary tools and infrastructure or indemnify him/her accordingly, including professional equipment and ergonomic furniture and electricity consumption.
- The employer must provide orientation and obtain the employee's written acknowledgement of ergonomics and health and safety rules and the employee's pledge to observe them.

Monitoring is only possible using telematic systems, which include software, phone and internet usage reports, but exclude the use of cameras for privacy reasons. In this case, the default rule of exemption from overtime will no longer apply.

Only if the employee has some condition or vulnerability that requires special protection.

Employees are not likely to acquire the right to work at home if they do so for a certain time. The law on telework stipulates that employers have the legal capacity to change the regime to on-site work at any time.

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# Bulgaria

Last updated:  
11/9/2020

## 1. Restrictions on national daily life

On 14 May 2020, the Council of Ministers declared a one-month emergency epidemic situation which was further extended until 30 September 2020. The measures below apply from 1 September until 30 September in the context of the declared emergency epidemic situation.

- In-person classes in preschool and school education have resumed in compliance with a Guideline adopted by the Ministry of Education and Science and the Ministry of Health.
- Educational activities in universities must be carried out according to the requirements of the respective university and, if possible, remotely.
- Educational and language centers and study halls organised by legal entities and natural persons must provide their services electronically or, if this is not possible, ensure 1.5 metres social distance between individuals is respected and observe the anti-epidemic measures adopted by the Minister of Health.
- All competitive indoor team or individual sports events or training sessions should be held without spectators. Outdoor sports competitions are only allowed with no more than 1000 spectators per sector, no more than 50% of seats occupied, every second seat left unoccupied, and at least 1.5 metres social distance between spectators.
- Cultural and entertainment events (theatres, cinemas, concerts, stage events, dance, creative and musical arts classes as well as activities by legal entities and individuals) can only be held when the seats are occupied up to 50% of their total capacity, both indoor and outdoor (including in community centres, children's complexes, cultural centres, youth centres, private sites, military clubs, etc.), in compliance with a 1.5-metre physical distance rule, and comply with the anti-epidemic measures adopted by the Minister of Health.
- Indoor and outdoor group celebrations (including weddings, balls, baptisms, concerts and other celebrations) must comply with a 1.5-metre physical distance rule, as well as with the anti-epidemic measures and instructions specified in the Minister of Health order.
- Visits to hospital facilities are prohibited, except for visits to patients in the terminal stage of illness. The prohibition does not apply to the sanitary control authorities in carrying out their activities.
- Protective masks or other face coverings are mandatory in closed public places, (e.g. public transport, churches, shops, etc.). Wearing of protective masks or other face coverings is recommended in all outdoor public places. 'Public places' are freely accessible places or places intended for public use.
- All individuals in open public places, such as bus stations, parks, streets, etc., must keep a distance of not less than 1.5 meters from others. This does not apply to members of the same family.
- Individuals in contact with those infected with coronavirus are placed under mandatory quarantine for 14 days and not allowed to leave their homes.

There are specific rules for the activities of certain types of business. Face masks or face shields are mandatory for direct customer service at a distance less than 1.5 metres without a plastic or glass barrier that can be disinfected. Individuals and legal entities who own or manage publicly accessible premises, commercial premises and other places where services to individuals are provided, must ensure they can maintain a 1.5-metre distance from the individuals to whom they provide services.

Sanitiser must be provided at the entry of the site and an access regime imposed to avoid crowding on the premises. Information about the need to keep social distance and personal hygiene and to wear personal protective equipment should be displayed.

In addition, the Ministry of Tourism in coordination with the Ministry of Health has adopted instructions for hotels, food service and entertainment venues based on the sanitary requirements above and considering the nature of the hotel and restaurant business. They give guidance

on employee and client safety and what to do if employees or clients are suspected to be infected with coronavirus.

The Bulgarian Food Safety Agency has also adopted requirements on work in outdoor areas of the restaurants, fast food outlets, bars and pubs, and coffee houses for observing anti-epidemic measures from the Minister of Health. The requirements include placing information on tables, keeping a distance between visitors, measures on preventing crowds in common areas, only granting access for customers, etc.

## **2. Local lockdowns and new national lockdowns**

### ***New lockdowns***

There has been no lockdown in Bulgaria, and we are not aware of any proposed or upcoming lockdown.

### ***Government support***

The following measures have been adopted in order to mitigate the effect of the state of emergency and the emergency epidemic situation: A Decree of the Council of Ministers established state subsidies of employers, for the salaries of employees whose work was suspended or whose working hours were reduced during the state of emergency and the emergency epidemic situation. This state aid can be granted to employers from 1 July 2020 until 30 September 2020. The availability of the

aid is subject to a number of exceptions and conditions.

The government will pay a one-time state aid of BGN 375 to parents who have exhausted their paid leave and are using unpaid leave. Unemployed parents are also entitled to receive the aid.

From 1 July, companies in transport, tourism, hotel and restaurant sector that are affected by the COVID-19 crisis can apply for compensation amounting to BGN 290 per employee for maintaining the employment of each employee. This state aid is to be received by end of 2020 based on set criteria.

## **3. How to keep workers safe in the office**

### ***Back in the office***

Employers can require an employee to come back to work but in this case they are must implement measures to preserve the health of the employees (listed below).

### ***Setting up the workplace***

Employees and management bodies should, if possible, carry out work remotely (homework/ remote work). Alternatively, working hours should be established with variable limits or employers should introduce work in shifts.

Employers should approve a schedule for the use of regulated breaks, where applicable, and apply other preventive measures and methods of work,

depending on the specifics of the activity in question, which will provide a better level of protection of workers by limiting unnecessary contacts at work.

Employers must organise the implementation of the following anti-epidemic measures in work premises:

- disinfection according to the algorithm of disinfection measures prescribed by the Ministry of Health;
- non-admission to the work premises of anyone with symptoms of acute respiratory diseases (fever, cough, difficulty breathing, loss of sense of smell, disturbance or loss of taste, etc.);
- instructing staff on maintaining proper hand hygiene (as specified by the Ministry of Health) and providing soap and water and disinfectant;
- organising the workspace to ensure a physical distance of at least 1.5 metres between individuals;
- providing personal protective equipment to staff according to the specifics of their work and the risk assessment at the workplace (protective face mask, helmet, gloves, etc.);
- determine critical points (i.e. desks, windows, door handles, etc.) which should be disinfected periodically throughout the day.



### ***Vulnerable employees***

Employers must allow the use of paid or unpaid leave at the request of certain categories of employees (e.g. pregnant employees, employees in advanced IVF treatment, mothers or fathers or adoptive mothers or fathers of a child of up to 12 years of age or a disabled child, regardless of age, employees under the age of 18, employees with a permanent disability of 50% or above and employees protected from dismissal under Art. 333, para. 1, item 2 and item 3 Labour Code (new Art. 173a, para. 2 LC)). The duration of this leave is recognised as working time in calculating length of service.

### ***Suspected cases***

Employers must not allow employees or visitors with flu-like symptoms to work. Fever is a symptom, so employers can temperature check employees to comply with their obligations. If an employee appears sick at work, employers must not admit them and can suspend them without pay. They would be able to obtain a medical certificate and benefit from sick leave pay. Employers could also require managers to report anyone who appears sick. Employees may not refuse to come to work unless they are on sick leave. Any employee who has been in contact with a confirmed coronavirus case should be quarantined.

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

### ***Official notification***

An official notification of a confirmed or suspect coronavirus case is not required. However, employers should implement general health and safety measures and inform employees (see below).

### ***Communicating with your workforce***

According to the Labour Inspectorate's instructions, employers should notify all employees who have been in contact with a sick person.

### ***Return to work after recovery***

Quarantined employees who do not display any symptoms within the 14-day quarantine can return to work. Infected employees who, after the expiry of the 14-days quarantine, test negative are allowed to commence work. If they test positive for COVID-19, their quarantine is extended until a negative PCR test result is obtained. If an infected worker has been admitted to hospital, after s/he has been discharged, the employee should be in mandatory isolation at home for another 14 days. Subsequently, if the employee tests negative s/he can resume his

activities. Otherwise the quarantine must be extended.

### **4. How to organise homeworking for the long term**

For the duration of the emergency epidemic situation, employers are entitled to introduce remote/ homework for their employees unilaterally. After the emergency expires, remote/ homework could be implemented only via mutual agreement, i.e. by concluding an annex to the employment agreement. Employers should ensure the employee's remote workplace corresponds to the minimal requirements for health and safety working conditions in compliance with legal regulations and company policies and procedures. A risk assessment of the workplace must be conducted with the assistance of the employer's occupational medical service provider. Compliance with health and safety rules during homeworking can be audited by the labour authorities.

Employers must reimburse employees who did not have an internet connection in their homes but are now getting a connection in order to work from home. Alternatively, they should reimburse employees who already had a connection for private use but are now using it to work from home because their employer is requiring work from home.

Employers can require employees to report their activities and work but should not deploy homeworking monitoring

**Contact our specialist in  
Bulgaria**



Radoslav Alexandrov  
**Bulgaria**  
Boyanov & Co.  
[r.alexandrov@boyanov.com](mailto:r.alexandrov@boyanov.com)

systems or devices, such as a camera at the employee's home.

Employees who have been remotely working or away for more than 45 calendar days should undergo emergency health and safety training on their return to their workplace.

Employees are not entitled to request homeworking based on concerns about coronavirus.

Under Bulgarian law, employees who work at home for a certain time as a result of the coronavirus crisis will not acquire a general right to work from home.

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# Canada

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

The majority of Canadian jurisdictions commenced re-opening in stages through April to July. At this stage, all Canadian jurisdictions have come out of lockdown and are working towards economic recovery.

With the re-opening of the Canadian economy in full effect, the majority of restrictions on daily life in relation to Coronavirus have been lifted. Non-essential businesses and recreational facilities have re-opened, while medium to large size social gatherings are now permitted. The return of Canadian students to schools this month marks a significant step in Canada's reopening.

Nevertheless, while Canada reduces coronavirus related restrictions and continues to re-open, most Canadian jurisdictions have mandated the wearing of masks or face coverings in indoor public spaces. Quarantine and self-isolation measures remain in effect for those that have been, or may have been, in contact with the virus. Restrictions on travel to certain nations remain in effect, while Canadians re-entering the country from travelling are required to self-isolate for a 14-day period.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

To date, no Canadian jurisdictions have had to revert to a state of lockdown since re-opening was phased in throughout the Country. Nonetheless, each Canadian Province maintains the authority to implement a lockdown through emergency legislation, as we witnessed at the beginning of the coronavirus pandemic. Should a subsequent lockdown occur, Canadians should expect the maintenance of essential businesses and services, while non-essential businesses and services may be required to close their doors as previously occurred.

### *Government support*

The Canadian Government has offered, and continues to offer, support to Canadian businesses by way of interest-free or low-interest loans, rent assistance programs, wage subsidies and work sharing programs. All programmes are subject to eligibility requirements.

## 3. How to keep workers safe in the office

### *Back in the office*

All Canadian Jurisdictions maintain Occupational Health & Safety legislation, which allows workers to refuse work that is unsafe. That being said, the reopening

of workplaces in Canada has been highly scrutinised and regulated, requiring employers to ensure that all reasonable precautions are taken to keep both employees and the public safe. If a work refusal is deemed legitimate, or an employee has the option to take leave, the employer may not be able to compel an employee to return to work immediately. However, employees should tread carefully here, as they may be deemed to have abandoned their employment should they refuse to return to work in inappropriate circumstances, such as when a work refusal complaint under OHS legislation is denied, or when an employee's right to leave has been exhausted.

### *Setting up the workplace*

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. Physical distancing measures such as installing barriers between individuals and maintaining two-metre distance between individuals should be

implemented. Most Canadian jurisdictions have mandated the use of masks or face coverings in indoor public spaces, and as such most employers are obligated to enforce their use at the workplace.

### ***Vulnerable employees***

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.

### ***Suspected cases***

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, or until they can provide a negative coronavirus test, to ensure the infection does not spread in the workplace. Posters and employee handouts can be used for education and awareness at the workplace.

If you believe through objective knowledge or reasonably held belief that an employee has been exposed to the coronavirus, there may exist a justifiable reason to require the employee to stay home. You have an obligation under occupational health and safety legislation across Canada to ensure a safe workplace for all employees, which in most instances will require the potentially infected employee not to return to work until they can provide a negative coronavirus test result.

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.

### ***Official notification***

Both management and employees have a duty to report risks in the workplace to the employer, including any potential or known positive cases of coronavirus. It is then the employer's obligation to take all reasonable steps to ensure that the workplace is safe, while an exposed or infected employee has an obligation to self-isolate. Public Health Authorities collect and monitor coronavirus related data, however there is no obligation for employers or employees to report to Health Authorities. In any event, if an infected individual test positive for coronavirus, the relevant Health Authority

will take steps to track that individual's exposure to others.

### ***Communicating with your workforce***

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

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

Generally, to comply with applicable Canadian privacy legislation, employers should not disclose the reasons for an employee's leave or remote working situation, except as required for other employees to perform their duties or maintain a safe workplace. The objective being to provide potentially exposed employees with sufficient information to protect themselves and the workplace but maintain confidentiality of the affected employee as much as possible. Whenever possible, employers should avoid disclosing the name of the individual who may have caused the coronavirus transmission risk, but this

## Contact our specialist in Canada



Greg McGinnis  
Canada  
MathewsDinsdale  
[gmcginnis@mathewsdinsdale.com](mailto:gmcginnis@mathewsdinsdale.com)

may not always be possible in all circumstances.

### ***Returning to work after recovery***

Most Canadian employers require an infected worker to provide a negative coronavirus test before returning to the workplace. In some instances, self-isolating for the requisite 14-day period may be permissible before a return to work.

### **4. How to organise homeworking for the long term**

In many circumstances, Canadian employees are permitted to work from home if such an arrangement is feasible in consideration of the employer's operations. Canadians that use part of their residence as a home office space and eligible for certain tax benefits and/or refunds.

Employees may request long-term homeworking based on coronavirus concerns from their employers, however there is currently no right to work from home, and the operations of many employers require that employees be on site to perform their function. Canadian employers are encouraged to be flexible with work arrangements in order to ensure the safety of all parties concerned. Many Canadian jurisdictions have also enacted legislation in order to allow longer term departures from work in which an employee maintains their employment despite the absence.

Canadian employers have the right to manage their workforce and operations. As such, although it may be possible in certain circumstances, it is unlikely that employees will acquire an absolute right to continue their employment from home, should an employer be unable to, or unwilling to acquiesce to such a wish.

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# Chile

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

The government has not imposed a nationwide lockdown however, it has ordered sanitary measures and restrictions including quarantine for specific locations of the country, the introduction of sanitary measures in regions or localities with a high infection rate, the total and temporary closure of some communes in the country and a prohibition on travel to a second home

During quarantine, people in these areas will only be able to leave their homes if strictly necessary for medical reasons and to access essential services including supermarkets, pharmacies, etc. Permits are required, which can be obtained from [comisariavirtual.cl](http://comisariavirtual.cl) with a unique code (clave única). Sanitary measures in some districts includes the closure of shopping centres, cinemas, theatres, pubs, discos, nightclubs, restaurants and public gyms, for an indefinite period. In addition, professional and amateur sporting events are banned. Schools have closed.

A curfew applies between 23:00 and 05:00 hours throughout Chile.

Total isolation and quarantine is imposed for anyone entering the country, of any origin. The government has implemented a phased strategy according to the health situation in specific locations in Chile. The five stages have specific restrictions and obligations and advance or retreat to or from a particular step is

subject to epidemiological indicators, healthcare network and traceability. They are as follows:

### *Quarantine:*

During quarantine, people in these locations will only be able to leave their homes if strictly necessary for medical reasons and to access essential services including supermarkets, pharmacies, etc. These locations are in lockdown. Pharmacies, supermarkets and other food and commodity suppliers, health centres and public service establishments may operate.

### *Transition:*

Lockdown only applies on Saturdays, Sundays and holidays. Sport activities are allowed from Monday to Friday in open places. Sporting events can take place with a maximum of ten people without spectators. There is mandatory quarantine for adults over 75. Movement is allowed outside curfew hours (between 23:00 and 05:00). In addition to the above, trade and other non-essential activities can operate where employees live in a location in transition or without quarantine.

### *Preparation:*

Movement is allowed daily, from Monday to Sunday, except in curfew hours. Adults over 75 years old are allowed to go out except to lockdown locations. Events, social and recreational meetings are permitted for a maximum of 25 people in closed spaces and 50 in open spaces, except during curfew hours. Sports

activities are allowed as are collective sports for a maximum of five people in closed places and 25 in open places, without spectators. Restaurants, coffee shops and similar places can only operate in open spaces and with a minimum of two metres between tables or 25% of capacity.

### *Initial opening:*

Movement is allowed except in curfew hours. Events, social and recreational meetings are limited to a maximum of 50 people in closed spaces and 100 in open spaces, except during curfew hours. Sports activities and collective sports with a maximum of ten people in closed places and 50 in open places, without spectators are allowed. Theatres, cinemas and similar places can be operated at a maximum of 25% of capacity, however, without consumption of drinks or food.

### *Advanced opening:*

Movement is allowed except in curfew hours. Travel to a second home is allowed. Increased numbers of people in sports activities, social and recreational meetings permitted. Theatres, cinemas and similar places can be operated at a maximum of 75% of capacity and without consumption of drinks or food. Pubs, discotheques and similar can be open at a maximum attendance of 50% of capacity. Gyms can operate at a maximum attendance of 50% of their capacity.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

If a business is located in a totally quarantined area or region, it can operate, provided that it carries out an essential service (provision of vital services, exercise of political authority, maintenance of citizen security and sustaining the economy, e.g. hospitals, supermarkets, pharmacies, airports, public transport, etc.)

### *Government support*

The Law on Employment Protection (aimed at protecting family income and jobs due to COVID-19) provides the possibility, if requirements are met, of accessing unemployment insurance coverage in three scenarios:

- The employment agreement is automatically suspended where a coronavirus-related governmental measure involves the suspension of the organisation's activities in all or part of the country preventing or totally prohibiting the provision of the services.
- Employer and employee mutually agree on the temporary suspension of the employment relationship, when the employer's activity is totally or partially affected.

In these cases, the employee is not obliged to provide services and the

employer is not obliged to pay salary (or other non-salary allowances), only social security payments. The employee will receive his/her remuneration from unemployment insurance.

The parties can agree on a temporary reduction of working hours provided the legal requirements are met. The employer must continue to pay social security and pension contributions according to employees' effective working hours. The employee receives remuneration in proportion to his/her effective working hours and an additional payment from his/her individual unemployment account.

## 3. How to keep workers safe in the office

### *Back in the office*

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

### *Setting up the workplace*

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

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

You are also allowed to do temperature checks at the entrance to the workplace, with thermometers requiring no or limited physical contact with employees. The Ministry of Labor and Social Security Step by Step Return to Work plan includes recommendations for employers and employees for care and protection at the workplace. They are:

- **Be informed:** Constantly review safety and health recommendations and protocols.
- **Organising and Agreeing:** Integrate employees and unions in all stages of the process and in development of internal protocols.
- **Socialising and Training:** Permanently communicate measures taken to employees. Inform them about their rights and obligations.
- **Adapting and Implementing:** Adapt the physical workspace; prepare entry and exit routes; including signage and demarcating physical distance.
- **Prioritising Mental Health:** Establish spaces for permanent dialogue; promote health and wellbeing in the workplace.
- **Collaborate with Traceability:** Providing information on traceability, including early identification of suspicious cases, keeping a record of third parties on site and identifying workers who have been abroad.
- **Evaluating and Updating:** Evaluate the provisions implemented with objective guidelines; monitor the measures implemented.

### ***Vulnerable employees***

It is recommended employees who belong to vulnerable groups (e.g., employees over 60, with health conditions or pregnant women) should not return to the workplace. On 4

September 2020 a law modifying the Chilean Labor Code took effect, allowing pregnant employees to render services remotely in the event of a State of Catastrophe, public calamity, pandemic or epidemic due to a contagious disease. If the nature of the employee's duties is not compatible with teleworking, the employer must assign her to work which does not require contact with the public or third parties.

### ***Suspected cases***

According to Government workplace action protocol, the recommended procedure to deal with a suspected case in the workplace, is that if an employee has symptoms of coronavirus, he/she should immediately report it to his/her direct supervisor. The employee cannot continue to work on site. The employee should be referred to a health care facility: the employer must provide facilities for the employee to be safely transferred to the health care facility.

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

infected or if they are sick or have been diagnosed with coronavirus.

### ***Official notification***

If the employer or employee considers that the coronavirus infection is due to exposure in the workplace, the employer must submit a document called 'individual complaints of occupational disease' (DIEP) to the Mutual Aid Fund within 24 hours.

### ***Communicating with your workforce***

The employer must take all the necessary measures to effectively protect employees' life and health, updating them with information from about infection and from the health authorities regarding the prevention and control of the virus. You must grant employees who have been in close contact with a sick employee permission to undertake preventive testing or examinations.

### ***Return to work after recovery***

Employees who have been diagnosed with coronavirus will be allowed to return to work when their medical leave has ended.



## Contact our specialist in Chile



Marcela Salazar  
**Chile**  
Munita & Olavarria  
[msalazar@munitaabogados.cl](mailto:msalazar@munitaabogados.cl)

### 4. How to organise homeworking for the long term

On 1 April 2020 Law N° 21.220 on remote working and flexible working conditions came into effect. The law provides rights and obligations to employees who render remote services. They include:

- Employees will be covered by the work accidents and professional diseases statutory insurance.
- The employer must inform employees about the health and safety conditions associated to the work, including risks to which the employee will be exposed while rendering services ('right to know'). In this connection, Supreme Decree No.18/2020 of the Ministry of Labor and Social Security established regulations on specific health and safety conditions at work for remote working employees will come into effect in October 2020.
- The employer must ensure that the employee's environment complies with all health and safety requirements but cannot enter the place where the employee renders services without his/her authorisation. The employer may require the Mutual Aid Fund to access the employee's domicile and report on safety and health conditions, but the employee's consent is always needed.
- All tools, equipment, office supplies, elements and costs associated with performance of services by the

homeworking employee must be provided/paid by the company. The employee cannot be forced to use his/her own equipment or tools.

- Employees who can freely decide their working schedule and employees excluded from working schedule limitations, have 'the right to disconnect'. Disconnection time must be at least 12 consecutive hours in a 24-hour period, during which employees are not required to reply to communications, orders or other requirements.
- Employers cannot make requests of employees during rest, leave or vacations.

Employees can request long-term homeworking, but any change in the employment conditions requires mutual agreement, meaning an employment contract annex must be executed between the parties. Employees will not acquire the right to work at home if they have done it for a certain time: remote work must be agreed between the parties by execution of an employment contract or annex. If homeworking is agreed after the employment relationship starts, either party may unilaterally decide to return to the previous working conditions on a minimum 30 days' notice. If homeworking is agreed at the beginning of the employment relationship both parties must expressly agree to adopt on-site working.

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# China

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

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. regularly clean and disinfect the workplace, etc.).

The government delayed school re-opening after the winter vacation. In most cities, the local government announced school re-opening in April or May. Schools that were not re-opened in the spring semester provided online teaching to students. After the summer vacation, almost all schools in the country reopened for the fall semester, but many of them do not allow outsiders to come into the school for the purpose of prevention of the coronavirus.

The government has also issued some guidance regarding use of masks and social distancing, which it encourages people to follow. For example, it is important to stay at least 1metre away from other people, and people should wear a facial mask in a closed space with a high density of people and where the social distance is less than one metre.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

The coronavirus is under good control in China and as of 29 August 2020, the middle/high-risk areas of epidemic across

the country have been zero clearing. No reimposition of lockdown is currently ongoing.

### *Government support*

The Chinese government has now extended the period of reducing the social insurance burden for employers due to the impact caused by COVID-19 until December 2020.

## 3. How to keep workers safe in the office

### *Back in the office*

Unless the employee is unable to go back to work for statutory reasons (e.g. a work-related injury, being infected with coronavirus, etc.), you have the right to request the employee to come back to work. If the employee refuses to return to work, you could take disciplinary actions according to company rules and regulations.

### *Setting up the workplace*

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

You should also regularly clean and disinfect the workplace to maintain a hygienic working environment. Please note that, as the coronavirus is under good control, it is no longer a legal requirement to take workers' temperature

regularly or distribute facial masks and disinfectant to workers, but these measures are encouraged, and many employers are still doing the same in daily work.

### *Vulnerable employees*

There are no specific obligations on employers in relation to vulnerable or high-risk employees.

### *Suspected cases*

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 employees who have been in close contact with the infected employee to work from home and pay attention to their health condition.

You can require an employee you suspect is infected not to come to work, but you must pay normal unless otherwise agreed with the employee.

### *Official notification*

You are required to notify the local health authority of the identities of employees who have been infected with coronavirus. However, there is no legal guidance on the specific format or content of this official notification. Based on our experience, a good practice is to firstly

## Contact our specialist in China



Tracy Zhu  
**China**  
Fangda Partners  
[tracy.zhu@fangdalaw.com](mailto:tracy.zhu@fangdalaw.com)

make a phone call to the local health authority to report the case, and then prepare a written notification to the authority following its instructions if requested.

### ***Communicating with your workforce***

You may communicate to other employees that there is a case of infection but should not disclose the infected employee's specific health situation and other personal information, which must be kept in strictest confidentiality.

### ***Return to work after recovery***

It is advisable to follow the hospital and health authority's instructions in terms of timing for return of work depending on the specific recovery situation of the employee.

### **4. How to organise homeworking for the long term**

The employer is obliged to provide a safe working environment for all employees, including those working from home. Though there is no specific legal requirement as to how to provide a safe working environment for employees working from home, it is advisable for the employer to assess the risks of the working area and provide additional equipment required for working on a case-by-case basis.

The employer is also required to provide office supplies, equipment and support (e.g. laptop) essential for the employee to work for the employer at home. Though not legally required, it is advisable for the employer to keep in regular contact with employees to keep informed about their health and safety status.

No mandatory costs or allowances are payable for employees working from home: this is subject to mutual agreement between both parties. Employees may have an expectation that some allowances will be paid, so if you agree, both parties could agree these allowances and the payment method in writing.

An employee can make a request for long-term homeworking based on coronavirus concerns, but you have the right to approve or refuse this request based on business considerations.

It is not likely that employees will acquire a right to work at home based on having done so for a certain time in the context of the coronavirus crisis, unless both parties already reach an explicit arrangement relating to homeworking.

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# Colombia

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

On 25 August 2020, the President of Colombia issued a Decree (1168 of 2020) on 'selective isolation' and social distancing. Mayors of severely affected municipalities may impose selective isolation restrictions on activities, areas, and places as they deem appropriate, according to the evolution of the pandemic. This requires Ministry of Internal Affairs authorisation and prior consent of the Ministry of Health and Social Protection.

Municipalities with no or low or moderate COVID-19 case numbers cannot impose selective isolation: this is only allowed for positive and suspected cases. Any order or instruction issued by district and municipal authorities to maintain public order must be justified in advance and the Ministry of Internal Affairs must be informed and authorise it.

Events involving gatherings of people are not permitted. Bars, discos, and dancing halls remain shut. Drinking alcoholic in public areas and commercial establishments is prohibited but sale of alcoholic drinks is permitted.

Mayors may request authorisation from the Ministry of Internal Affairs to implement pilot schemes in restaurants and bars allowing consumption of alcoholic drinks on site, and for business events/fairs, provided that the biosecurity protocols and regulations on gatherings

are respected. The Ministry of Health and Social Protection must give prior consent.

If COVID-19 infection levels worsen in a Municipality, the Ministry of Health and Social Protection will report to the Ministry of Internal Affairs, which can impose restrictions on activities or places implicated in the rise in infections.

From 1 September until 1 October 2020, mandatory national preventive isolation will be removed, allowing people to circulate freely, complying with the biosecurity protocols adopted by the Ministry of Health and Social Protection. Local municipalities will have the powers described above. There will be a biosecurity protocol for individual behaviour in public areas to reduce the risk of infection in daily activities. During the health emergency, now extended to 30 November 2020, public and private entities must ensure their employees or contractors whose presence is not essential in the workplace perform their duties and obligations remotely.

Borders with Panama, Ecuador, Peru, Brazil and Venezuela will be closed from 1 September to 1 October 2020. Travel is permitted for: humanitarian emergencies; cargo and goods transport; accidental events and *force majeure*; departure of foreign citizens coordinated by the Special Administrative Unit of Migration Colombia, with the competent district and municipal authorities.

Large supermarkets and chain stores may operate fully provided at least 50% of their surface area or products are essential goods. If not, they must respect the rules for non-essential goods shops. Shopping malls can only allow people and vehicles to enter exclusively to use shops. Visits to non-essential commercial establishments or banks operate on a shift system based on the last number of the individual's identity card.

Masks are mandatory when going out for any reason, and two-metre social distancing must be respected. Sports and physical exercise are allowed in public areas and parks without additional restrictions. Specific rules apply in Bogotá, see [here](#).

## 2. Local lockdowns and new national lockdowns

### ***New lockdowns***

The restrictions described in 1, above, currently apply. No other lockdown measures are currently in force or contemplated.

### **Government support**

There is currently no government support in relation to businesses affected by COVID-19 related lockdowns.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

If the employee's physical presence in the workplace is required and s/he cannot provide services remotely, the employer can require him or her to return to on-site work. The employee must not be at high-risk with a pre-existing condition or disease (i.e. cancer, asthma, autoimmune disease, heart disease, high blood pressure, obesity, etc.). The employer must comply with the capacity limit imposed by the national, district and municipal authorities and must have adopted and implemented the appropriate biosecurity protocol. The employer must provide the employee with the necessary biosecurity protection (mask, sanitiser, etc.).

#### ***Setting up the workplace***

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

The Ministry of Health and Social Protection has adopted a biosecurity protocol for the mitigation and management of the coronavirus pandemic to minimise transmission. It is mandatory for public and private employers, employees, apprentices, cooperatives and pre-cooperatives of associated work, public and private contractors. Each sector, company or entity must make appropriate adjustments, with the support of its ARL, establishing strategies to ensure social distancing and adequate hygiene and protection at work.

Employers must:

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

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

#### ***Vulnerable employees***

They should continue providing services remotely. If this is not possible, employers must introduce special working hours to reduce as far as possible their contact with other people.

#### ***Suspected cases***

The employee must be isolated in a special area chosen by the employer for this purpose. The employer must report to EPS, ARL, and the health secretariat to assess the employee's condition. EPS will determine whether s/he should go and stay home in preventive isolation or be transferred to a medical centre. The employee must update his/her health status through CoronApp.

You must order the employee to stay home (if this is the medical advice) and self-isolate following Ministry of

Health and Social Protection instructions (14 days). Under current regulations, suspected cases must be preventively isolated until they can be tested. If the test is positive, the procedure described below must be followed. If not, the employer may allow the employee to return to the workplace but must first verify that the employee does not have any symptoms.

Ask the employee for information to evaluate his/her risk and that his/her contacts, including individuals with whom he/she has had contact, trips, symptoms, pre-existing diseases or pregnancy status, medication and age. Immediately make a list of all individuals who have been in close contact (less than two metres for more than 15 minutes) with the employee during the last 14 days. This list must be delivered to the Health Secretariat.

Protect the employee's privacy and maintain confidentiality, taking into account the rules on protection of personal data and medical information. Monitor the employee's health status daily.

#### **Official notification**

Confirmed and suspected cases must be reported to EPS, ARL, the appropriate local health secretariat and on CoronApp.

In Bogotá D.C. employees and independent contractors with symptoms

must also be registered on the [official website](#) established for this purpose).

#### **Communicating with your workforce**

Employers must inform potential contacts of an infected or suspected to be infected employee (if employees, suppliers, clients or contractors had contact with this employee) in a timely manner, guaranteeing confidentiality.

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

#### **Return to work after recovery**

An infected employee can return to work after 14 days have elapsed and he/she has obtained a medical clearance certificate. Before reinstatement, the employer must review if the employee still has symptoms. If not, he/she can return to the workplace.

#### **4. How to organise homeworking for the long term**

To implement homeworking, Colombian employers must comply with the following requirements.

*Written agreement:* If the individual is already an employee, the employer and employee must sign an addendum to the employment agreement expressly establishing and agreeing on conditions for remote work. If the individual is newly hired, the parties must enter into a remote work employment agreement. The amendment or agreement must include:

- conditions of service, means required and the way the services will be provided in terms of time, and if possible, space;
- days and the working hours (to determine liability in the event of labour accidents and to avoid breaching the legal maximum working hours);
- a policy on use of working tools, define responsibilities for their safekeeping and the process for returning these tools on termination of employment;
- IT security measures and confidentiality policies.

**Contact our specialist in  
Colombia**



Maria Adelaida Durán  
**Colombia**  
Brigard & Urrutia Abogados  
[mduran@bu.com.co](mailto:mduran@bu.com.co)

*Voluntary and reversible:* Remote work must be agreed by both parties and cannot be treated as the employee's right since it is subject to the employer's consent.

*Internal rules:* The employer must cover remote work conditions in internal working regulations, including security of information and treatment of confidential information, restrictions on computer and software use, data protection, IP and any penalties for non-compliance. The employer and employee's obligations regarding security and labour risks are those set out in current legislation. Special remote working conditions should be included in internal work rules. The employer must include the employee in the Health and Safety at Work Management System, and allow the employee's participation in the Health and Safety at Work Committee.

*Working tools:* The employer must provide the employee with safe work equipment and proper protection and must ensure employees receive appropriate training and information about any risks arising and their prevention.

The parties may exceptionally agree that the employee provides computer equipment. If this is not expressly agreed, the company must provide all the necessary tools for the job. Similarly, employers must provide or reimburse maintenance of connections, software,

energy and expenses arising from business trips.

*Working Hours:* Remote employees are not subject to the provisions on working hours, overtime and night work. Employers must ensure that working hours are not exceeded and employees are not working under excessive workloads. If remote work conditions allow the verification of working hours and the employee exceeds this time due to the employer's request, he/she will be entitled to receive overtime payment.

*Registration:* The employer must notify the Ministry of Labor of the number of employees working remotely.

Employees can request long-term homeworking based on concerns about coronavirus, but the employer can choose whether to deny or accept this request. Employees will not acquire a right to work from home based on the fact that they have worked from home for a period as a result of the COVID-19 crisis.

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# Croatia

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

The Civil Protection Headquarters of Croatia (CPH) has adopted numerous decisions to prevent the occurrence and spread of coronavirus. Most of them have already expired because the epidemiological situation allows for progressive softening of anti-epidemic measures. Currently, decisions issued on a national level which are still in force are the temporary prohibition on crossing the border into Croatia (in force until 15 September 2020 with possible further extensions), as well as obligatory wearing of masks while using public transport, visiting stores and hospitals, obligatory physical distance of 1.5 metres indoors and one metre outdoors. In addition, decisions on specific restrictions are being issued on a local/regional level based on the current epidemiological situation in certain municipalities and counties. The relaxation of measures in Croatia took place in three phases beginning on 27 April 2020, continuing on 4 May and concluding on 11 May 2020. From 11 May, kindergartens and schools for pupils from first to fourth grade reopened for children who could not stay at home due to work obligations of their parents (guardians). Schools have officially reopened on 7 September 2020 with rigorous anti-epidemiological rules in place.

There are no specific rules for reopening in regard to office-based businesses. For these businesses, there are only recommendations from the Government

to continue with work from home for employees for whom this is possible. Several resolutions have been issued which apply to specific business activities, such as construction, beauty services (hair stylists, make-up artists, etc.), and others.

Apart from the above, there are currently no lockdowns on business activity on a national level.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

There are currently no plans to reimpose national, or any type of local/regional lockdown. However, decisions on anti-epidemic measures are issued by the CPH at the local/regional level, or for specific business activities. For example, a decision on obligatory wearing of protective masks for employees in service industries applies nationally, whereas a decision to limit the maximum number of people who may be present at a wedding applies exclusively to weddings organised in a specific municipality or county.

### *Government support*

Certain support measures which were introduced in early March when lockdown began had their effective duration extended until the end of the year. Some measures were amended for a limited time (e.g. deferrals of tax obligations,

state grants for businesses which have experienced a sharp decrease in revenue, etc.). Measures which have been extended until the end of the year are, for example, state grants for shortening working hours (the state compensates the employer for employees who had their working hours shortened), state grants for businesses who employ persons with disabilities, etc.

## 3. How to keep workers safe in the office

### *Back in the office*

Employees cannot refuse to return to work if the employer requests they do so, except in cases where the employer would fail to meet the necessary requirements for protection of employees from potential infection. These requirements are considered as general occupational health and safety requirements which always apply, regardless of the COVID-19 pandemic.

### *Setting up the workplace*

Employers must still encourage employees to apply general occupational health and safety and hygiene rules, i.e. wash hands with soap and water, or use an alcohol-based disinfectant solution (minimum 70% alcohol content) before eating, after using the toilet and after any contact with animals.

The employer should have the necessary equipment, such as masks and gloves,



available at all times for use by the employees, as well as third parties who would possibly visit the working premises. Avoiding handshakes is also recommended. The presence of multiple people in closed spaces should be minimised as far as possible. Where there are multiple people present in the same space, wearing masks is recommended, as well as installing barriers between employees who have workstations close to one another (especially in situations where physical distance is unavoidable). A minimum physical distance of two metres between employees should be maintained. Between meetings, employer should impose a break long enough to ventilate, clean and disinfect the workspace.

### ***Vulnerable employees***

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

### ***Suspected cases***

Infected employees may be hospitalised if their condition is severe enough 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.

Employers can ask employees whether they are infected and whether they have recently travelled to a high-risk area, and for other information relevant for COVID-19 (e.g. the employer can request that employees sign a health declaration). Under the Croatian Labour Act, an employee must immediately inform his or her employer about a disease or other circumstances which would disable the employee in performance of his or her work duties or endanger the life or health of other employees. The employer can also, at their own expense, send an employee for a medical examination to determine their medical fitness to perform certain jobs: this could include COVID-19 testing. Employees cannot refuse to disclose if they are infected: it would be considered as a breach of their work obligations.

If an employer instructs an employee to stay at home for fear of potential infection, the employee is entitled to compensation during his/her absence from work, since it occurred due to circumstances for which the employee was not responsible, unless another working arrangement was agreed upon with the employer (such as work from home).

### ***Official notification***

If there is a suspicion that an employee has contracted COVID-19 (s/he has

symptoms typical for the disease, or a positive COVID-19 test), the employer, the employer's health and safety expert, or another person designated for health & safety at the employer must immediately inform the competent epidemiologist.

### ***Communicating with your workforce***

If an employee is experiencing symptoms or has received a positive COVID-19 test to inform the employer or the employer's designated health and safety representative by email. The employer or the employer's health and safety representative would then issue a notice to the rest of the workforce, if possible, without disclosing personal information about the infected employee.

### ***Return to work after recovery***

As absence from work due to COVID-19 is considered a 'temporary incapacity to work' (sick leave), an infected employee may only return to work after being cleared for work by their primary family medical care professional (who issued the initial certificate for sick leave). Usually the employee would be cleared for work after testing negative for COVID-19, and after all of the employee's symptoms cease, and they no longer represent a potential infection source.

Contact our specialist in  
Croatia



Andrej Zmikić  
**Croatia**  
Divjak, Topić & Bahtijarević  
[andrej.zmikić@dtb.hr](mailto:andrej.zmikić@dtb.hr)

#### 4. How to organise homeworking for the long term

Unless otherwise agreed upon with the employee, the employer must adapt the design of places of work and the choice of work equipment without the employee incurring financial costs. This means that the employer must provide the employee with office equipment (office chairs, desks, monitors etc.) for work from home. Alternatively, the employer must reimburse the employee for the costs of using their own work equipment, as well as ensuring proper maintenance of this work equipment. The employer must also partially cover the costs of utilities, i.e. in part used by the employee for fulfilling work obligations.

The employer does not need to perform a risk assessment and its liability in the event of a homeworking injury is limited where an employee who performs administrative, office or similar work (classified as 'low-risk') works from home on an occasional basis. However, regardless of the risk assessment, the employer must always impose general health and safety measures and the employee must always follow those measures to ensure their own health and safety, even while working from home. The employer would, however, be required to perform a risk assessment of the employees' home if a homeworking arrangement will last continuously for a longer period of time.

Employee may request a prolonged homeworking arrangement based on coronavirus concerns. However, the employer is free to decide whether to accept such an arrangement or not. As stated above, an employee is entitled to refuse to come to work if the employer failed to provide sufficient protection for employees from potential infection.

Croatian law does not make provision for any right to work from home to be acquired based on an employee simply working from home for a longer period, without entering into any written employment agreement/addendum to the employment agreement.

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# Cyprus

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10/9/2020

## 1. Restrictions on national daily life

The use of protective masks is compulsory in all indoor premises where there is high mobility. This obligation applies to all, including minors over the age of 12. Keeping a distance of two metres apart is also highly recommended.

In particular, the following are considered as 'indoor premises':

- supermarkets/bakeries;
- department stores/malls/shops;
- churches;
- hospital and medical clinics/nursing homes/any other institution providing sanitary services;
- pharmacies;
- departments/public sector services and private companies which serve customers;
- betting outlets;
- elevators.

A maximum number of 50 people (including minors) are allowed to be present or gather at the same time in houses or premises, both private or public, as per the guidelines issued by the Minister of Health. Restaurants, reception venues, conference venues, open-air and indoor theaters are exempt from this limit, in addition to any other

premises allowed by the Minister of Health. For weddings and christening ceremonies, the maximum number of people allowed to be present at the same

time is 350. This limitation will remain in force until 15 January 2021.

Theatres and cinemas can operate based up to 40-50% of their capacity provided all measures currently in place are followed (i.e. social distancing, following personal hygiene measures etc.). People should avoid unnecessary movements in these premises or changing seats. Only specific seats can be used in order to achieve social distancing e.g. for each row of seats which is in use one should be kept empty and for each seat reserved the next two should not be used.

Public schools are expected to start on 14 September 2020. The use of protective masks is obligatory for both teachers, students (above the age of 12) and all other school personnel. For students below 12 masks are optional. The same rule applies to universities. Parents/guardians cannot enter schools' premises.

Homeworking is recommended for businesses operating in the private sector and communication and meetings are encouraged using videoconferencing, telephone and emails. Employers must ensure social distancing is observed between employees as well as with customers.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

There are currently no local or national lockdowns planned or in place.

### *Government support*

There are no government support measures for businesses affected by lockdowns currently in place.

## 3. How to keep workers safe in the office

### *Back in the office*

Given that no governmental restrictions apply, and all hygiene measures are met then employer may ask their employees to return to their usual place of work.

### *Setting up the workplace*

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

The Cyprus Federation of Employers & Manufacturers (OEB) has issued useful guidelines for employers. In particular, employers should:

- appoint a crisis management team and a Safety Committee and familiarise themselves with and

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

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

### ***Vulnerable employees***

At this stage, no special rules/regulations have been issued for vulnerable employees.

### ***Suspected cases***

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

According to the Safety and Health at Work Law, every employer must ensure the safety, health and well-being at work of all his employees. Therefore, if an employer considers or suspects that an employee is infected then the employer may request the employee not to attend the workplace and depending on the employee's condition, request the employee either to work from home or to take sick leave.

### ***Official notification***

There is no specific notice to be given in the event of a coronavirus case in the workplace.

### ***Communicating with your workforce***

There is no specific way to communicate with employees in the private sector. Employers have a duty to protect the health, safety and welfare of all their employees, including those particularly at risk. Employers may inform staff about COVID-19 cases, process medical data and take protective measures where necessary to comply with their legal obligations. In this case, employers have to make sure that are able to justify this on a legal ground of processing. They should also be careful not to disclose more information than necessary or discriminate against any employees by targeting any particular category of employees.

## Contact our specialist in Cyprus



Nadia Tryfonidou  
**Cyprus**  
George Z. Georgiou &  
Associates LLC  
[nadia.tryfonidou@gzg.com.cy](mailto:nadia.tryfonidou@gzg.com.cy)

### ***Return to work after recovery***

There are no specific rules for returning to work. However, in practice employees typically return to work after 14 days following self-isolation and dependent on receiving a negative COVID-19 test result.

### **4. How to organise homeworking for the long term**

According to the 'Guide to Managing Occupational Safety and Health Issues in Coronavirus Conditions' issued by the Ministry of Labour, Welfare and Social Insurance, if it is necessary to organise work from home, each employer must make appropriate arrangements to this end. This includes setting up how to communicate via teleconferencing, telephone or email between employees working from home or on site and between employees working from home and outside partners. It also includes support and training for employees who can work from home and providing them with appropriate technical infrastructure and adaptation of work to the needs and capabilities of employees to create a safe work environment at home. The relevant health and safety regulations will apply.

We note that the European Social Partners issued a Voluntary framework agreement on telework in 2002, which suggests measures and guidelines for homeworking, but this agreement is now old and is only voluntary and non-binding in Cyprus.

Whether employees can request long-term homeworking based on coronavirus concerns depends on the terms of the employment contract and the arrangement agreed between employers and employees.

The place of work is an essential term in an employee's employment contract and as such can only be modified by agreement of both parties. In the event that an employee has worked from home for some time, s/he does not automatically have the right to work from home, as the homeworking is due to the specific emergency that arose and not the willingness of the parties to modify working conditions. In order for an employee to acquire this right, s/he needs either the explicit consent of the employer, or it must be beyond doubt that this (the continuation of the employee's work from home) was the will of both parties.

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# Denmark

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

Phase four of the Danish reopening plan started in early August 2020. No employees are currently required to work from home and the Government no longer generally recommends employers encourage their employees to work from home. All schools, childcare institutions, universities and the like have reopened. Gatherings of more than 100 people are banned. This ban does not include employees' presence in the workplace and there are other exceptions, such as indoor funeral services, courts and hospitals. For events and gatherings where participants are mainly sitting down, the maximum number of participants is 500 (more than 500 are allowed to attend Super League football games). The ban on gatherings does not apply to gatherings in private premises, although it is recommended to limit these and the number of attendees.

Some businesses are temporarily banned from reopening, including nightclubs and music venues (where customers are not mainly seated). For these businesses, economic support measures are still effective. Bars, restaurants and other food industry businesses (except take-away) must stay closed from 02:00 to 05:00, unless hosting a private party for one group of customers.

All other businesses that can respect the restrictions on gatherings and comply with official guidelines (including Health

Authority guidelines) can stay open. However, some employers are still facing a significant decrease in activities and have decided to temporarily close down their business, entirely or in part. The Government and social partners are currently working on implementing support measures for businesses severely affected by the coronavirus epidemic.

Since 22 August 2020 it is obligatory to wear face coverings on public transport (including taxis). Children under 12 and some other groups, such as people with certain physical impairments, are exempt.

Travellers from 'open countries' can enter Denmark subject to the usual rules on visas, work permits, etc. Travellers from 'closed countries' are only allowed into Denmark if they have a 'worthy or credible purpose' (anerkendelsesværdigt formal). The Foreign Ministry publishes a list of open and closed countries every Thursday. Employees travelling to closed countries are generally recommended to self-isolate for 14 days after returning to Denmark or until they have tested negative for coronavirus.

On 3 September 2020, full border controls were abandoned, and border control is now only conducted as spot-checking. In airports travelers from 'closed countries' are still subject to full border control.

Because coronavirus cases have been on the rise since the beginning of August 2020, some parts of phase four have been deferred. The restrictions still in force have been extended until 31 October, including the ban on large gatherings, the executive order requiring some businesses to stay closed and the public transport face covering rule.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

The Government is expected to revisit the remaining restrictions prior to 31 October to discuss whether they should be further extended or lifted. If a new lockdown is reimposed, the expected restrictions include requirements to work from home, restrictions on public transport, bans on social events and gatherings and closure of some liberal professions and public workplaces.

In cases of local breakouts of coronavirus, the Health Authority has imposed strict recommendations on, for example, cancellation of events and gatherings as well as working from home to the extent possible. In some local areas, including Copenhagen and adjacent municipalities, the ban on gatherings is currently lowered to 50

people and bars etc. are now required to close at 00:00. In some situations, the local authorities have cooperated with schools and other institutions to temporarily close these institutions. Based on Health Authority guidance some businesses have closed completely or partly where a significant number of employees were infected with coronavirus.

### ***Government support***

The Government has not implemented any new economic support measures for businesses subject to local lockdowns. However, the Government and social partners are looking into implementing support measures for businesses affected by future local lockdowns. One type of support to businesses that have had a significant number of infected employees has been to provide improved testing capabilities. Another type of support is that such businesses can receive extensive guidance from the Health Authority and local authorities.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

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

with the employee in order to try to find a solution.

#### ***Setting up the workplace***

Generally, employers must take the necessary preventive measures to ensure employees' health and safety. Employers must implement as effective measures as possible to prevent the risk of infection with coronavirus.

The Government has asked organisations to follow the specific guidelines issued by the Health Authority, the Working Environment Authority and the Ministry of Industry, Business and Financial Affairs and encourage employees to do the same. Employers must specifically inform employees of any relevant precautions that they should take based on Health Authority advice. This obligation also applies to homeworking employees. It is recommended employers send employees the latest version of any applicable official guidelines (e.g. by providing web links). The 'basic advice' is social distancing (one metre with effect from 10 May 2020), keeping the workplace clean, providing soap and hand sanitiser, limiting physical meetings and travel. Recommended measures include organisational changes such as shift work, adapting the workplace to social distancing, limiting physical meetings by implementing virtual solutions, etc.

Employers whose employees conduct external meeting activities should implement policies on how employees should handle situations where e.g. clients, customers or business partners are not complying with the official guidelines. The recommendation should be for the employees to stop the meeting and leave the premises and then inform their line manager or HR of the incident. Where the Health Authority recommends the use of protective equipment, employers are required to make such equipment available to employees.

#### ***Vulnerable employees***

The Health Authority has published guidelines for people at higher risk of severe illness if they are infected with coronavirus. There are additional rules for employees who fall within this category. In addition to the 'regular' guidelines, employers should, for example, enable employees at higher risk to avoid frequent or long-lasting face-to-face contact and should be especially vigilant in regard to social distancing (two metres for employees in the higher risk group) and hygiene.

A bill was adopted in May 2020 under which some employees at higher risk and employees with a co-habiting relative at higher risk can receive sickness benefits if they are granted leave from their employment based on

recommendation from their doctor and due to the fact that it is not possible to take the necessary precautions at the workplace. For more details see [here](#).

### ***Suspected cases***

If an employee falls ill and suspects it may be coronavirus, the employee must self-isolate and they are encouraged to undergo a coronavirus test. The employer should clean any area that an employee suspected of being infected with coronavirus has been in contact with.

If the test is negative, the employee may return to the workplace. If the test is positive, the employee must self-isolate until 48 hours after symptoms have subsided. Employees who are suspected of being infected with coronavirus because they are 'close contacts' of a person infected with COVID-19 (e.g. a family member) must self-isolate and get tested. If the contact with the infected person was not continuous, for example if an employee hugged a relative, they do not meet regularly, the employee should wait four days from the contact event before being tested. If an employee tests positive for coronavirus but has no symptoms, the employee must self-isolate for seven days after being tested.

A formal decision to quarantine an employee can only be made by the Health Authority. However, it is generally accepted that an employer can require an employee to stay away from work or work from home to reduce infection risks, for

example, if an employee has recently travelled or is suspected for other reasons of increasing the risk of spreading coronavirus.

Employees will be entitled to their usual salary if the employer prohibits them from coming to work even though it has not been confirmed that they are infected with coronavirus. If, however, the employee has taken a private trip to a 'closed' countries even though the employee knows that he/she must self-isolate after returning home and will not be able to come to work, the employee will not be entitled to receive salary during the absence.

This is not an exhaustive overview: employers should encourage employees to follow the Health Authority's guidelines.

### ***Official notification***

Employers are neither required nor able to make any official notification if an employee is infected with coronavirus or suspected of being infected. According to the Health Authority's guidelines any person showing symptoms of coronavirus must get tested and the authorities will automatically be notified if an employee tests positive. The employer could, however, seek guidance from the Health Authority if an employee is infected.

### ***Communicating with your workforce***

When communicating to the workforce that an employee is infected with

coronavirus, you must comply with the Health Information Act and data protection regulation. Generally, you can inform the workforce that an employee from a specific part of the organisation is infected, but you cannot inform them which employee has been infected unless the employee consents. If the infected employee voluntarily informs the workforce without your involvement, you must also make sure to register and process any information in this regard in compliance with the data protection regulation.

If an employee tests positive for coronavirus, a public 'Corona Tracking' unit (Coronaopsporing) will, with assistance from the employee, contact all the employee's 'close contacts'. Under the Health Authority guidelines, colleagues will be considered 'close contacts' in some circumstances, for example, if the infected employee has had close face-to-face contact with a colleague at less than one-metre distance for more than 15 minutes or had physical contact with a colleague, such as a hug.

### ***Return to work after recovery***

As mentioned above, an employee who has tested positive for coronavirus can return to work 48 hours after the symptoms of coronavirus subside or, if the employee never showed any symptoms, seven days after being tested. Some employers implement longer periods of self-isolation than recommended by the Health Authority.



Contact our specialist in  
Denmark



Yvonne Frederikson  
Denmark  
Norrbon Vinding  
[yf@norrbonvinding.com](mailto:yf@norrbonvinding.com)

They must pay the employees' usual remuneration although the employee is not considered sick.

#### 4. How to organise homeworking for the long term

Employers can enter into a voluntary agreement with employees to change the place of work to the employee's home. This is likely to be considered a material change of the employment terms. If the employees are only required to work from home temporarily, this change would not be considered a material change to the employment terms.

As a starting point, employees are not entitled to work from home unless otherwise specified in their employment contract, company policy, a collective bargaining agreement (if any), or in a specific agreement with the employer. Even if not been regulated in this way and even if the employer does include a possibility of withdrawal or revision of the right to work from home, it cannot be completely excluded that the employees will, at some point (depending on circumstances), acquire the right to work from home. Once this happens, disallowing working from home would be a material change to the employees' employment terms.

There is no formal legal requirement in Denmark for employers to contribute to employees' working from home costs, whether it is a temporary or permanent arrangement. This depends on the agreement between employer and

employee (some collective bargaining agreements include rules on this). It is, however, quite common for employers in Denmark to provide employees who regularly work from home with a paid internet connection. If employers provide other office equipment, this will, as a starting point, be tax-free for employees, provided it is similar in type and appearance to the inventory available at the office. It is not general practice for Danish employers to pay other utility costs.

Special rules apply to the working environment of employees working from home. The Working Environment Authority has published guidelines on the requirements for home offices, e.g. tables, office chairs, monitors, lighting, etc. The guidelines on work on computer monitors will apply if the employee on average performs work at a computer from home more than two hours a day or one day per week. Generally, the normal rules on rest periods apply to employees working from home. Employers are not allowed to inspect an employee's home working environment without consent. The Working Environment Authority will generally not conduct inspections of home offices.

The Danish Parliament is expected to pass new legislation in regard to the working environment for employees working from home in the near future.

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# Estonia

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## 1. Restrictions on national daily life

The following measures are currently applied in order to curb the spread of the virus:

- restriction on crossing the state border;
- prohibition on individuals (with exceptions) leaving their place of residence within 14 calendar days of arrival in Estonia;
- prohibition on individuals (with exceptions) who are diagnosed with coronavirus and people residing in the same place with them leaving their place of residence until they recover;
- requirements for places where leisure services are provided and sales areas (including service providers' service points and catering establishment's seating areas);
- requirements for public meetings, public events, public religious services and other public religious rites, public saunas, spas, swimming pools, water parks, sports and exercise events, sports competitions, museums and exhibitions;
- restrictions on sale of alcohol in certain areas.

The Health Board has also advised people to properly observe hygiene requirements and avoid any unnecessary

social contacts. Remote work has been recommended, where possible.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

There is currently no lockdown nor is a lockdown expected to be imposed.

### *Government support*

Various government measures are in place or planned to support businesses affected by the COVID-19 crisis, but there are currently no government measures in place or planned specifically to support employers or employees.

## 3. How to keep workers safe in the office

### *Back in the office*

If you have ensured the working environment is safe, employees (including those from vulnerable populations) may not refuse to come to work.

### *Setting up the workplace*

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, disinfectants and personal protective

equipment, if necessary, reminding employees of elementary hygiene procedures, and minimising physical contact between employees and also between employees and clients (including avoiding meetings and supporting working from home where possible, etc). You should provide employees with instructions necessary in order to avoid the spread of the virus in the organisation. It is also important to ensure cleaning of frequently used rooms, objects and surfaces and to avoid meetings and business trips.

### *Vulnerable employees*

There are no separate rules for vulnerable employees or groups. You must take necessary measures to maintain a safe work environment for vulnerable populations. If you are not able to provide employees from vulnerable populations with a safe working environment, you must maintain their average remuneration during the period the employee refuses to return to on-site work.

### *Suspected cases*

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

## Contact our specialist in Estonia



Heili Haabu  
Estonia  
COBALT  
[heili.haabu@cobalt.legal](mailto:heili.haabu@cobalt.legal)

In order for you to ensure safe working environment, you are entitled to require that an employee undergoes a medical examination or gets advice as to his or her health status. You may also require an employee who is suspected to be infected not to come to work. In this case you must maintain his or her average remuneration during the period you refuse to allow such employee to work.

### ***Official notification***

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

### ***Communicating with your workforce***

You should inform other employees about the infection of the personnel. It is, however, only justifiable to disclose the necessary information to the minimum extent. The name of the infected employee should not be disclosed to other employees without justified reason, e.g. if it is necessary to prevent further infection. You should also inform the infected employee of the information that will be shared with other employees.

### ***Return to work after recovery***

Individuals diagnosed with the coronavirus and persons living with or permanently staying in the same place as these individuals, are prohibited from leaving their residence or permanent place of stay until the diagnosed person

has recovered. This means, an employee may return to work after s/he or a person with whom s/he is living or permanently staying has made a recovery. Whether a person has recovered is decided by a physician.

### **4. How to organise homeworking for the long term**

The Estonian Occupational Health and Safety Act applies also to remote work, which means that you are responsible for the work safety of any employee who works from home and you are obliged to organise a risk assessment of the home working environment. According to the recommendations of the Labour Inspectorate, employers must instruct the employees on how to furnish the workplace so that it is safe, on taking breaks, etc. As usual, you are also obliged to keep a record of the employee's work and rest time and to investigate all occupational accidents.

You are required to cover work-related costs and consequently, employees working from home may ask, for example, for the costs of the Internet connection to be reimbursed to the extent that these costs occurred or have increased in connection with working from home. As the regulation is unclear regarding compensating costs of setting up a home office, we recommend regulating this issue by clear agreement with an employee.

Employees (including those from vulnerable populations) cannot demand working from home if the employer ensures safe work environment. According to the law, an employee may work outside his/her contractual place of performance of work, including at the employee's home, based on an agreement between employer and the employee. If it has not been agreed that working from home is temporary and only for specified term, the place of performance of work can only later be changed with the employee's consent.

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# Finland

Last updated:  
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## 1. Restrictions on national daily life

Schools and the early childhood education facilities are now open. However, the Ministry of Education and Culture and the Finnish Institute for Health and Welfare recommends ensuring good hygiene, avoiding unnecessary close contacts and arranging teaching more spaciouly than usual. In addition, nobody should attend early childhood education or school if they have any symptoms of respiratory infection until the possibility of coronavirus has been ruled out by tests.

The government recommends avoiding all unnecessary travelling. Up to a threshold of eight new coronavirus cases per 100,000 people in the previous 14 days in a country, there are no restrictions on incoming travellers to Finland. At ten new cases per 100,000, quarantine restrictions will apply. Where a country has between eight and ten cases per 100,000 the government can choose whether to impose quarantine requirements. Return traffic, commuting and other essential traffic is nevertheless allowed from the entire Schengen area. When arriving in Finland from a country where travel restrictions continue to be in force, a 14-day quarantine is recommended. Restaurants, cafes and bars are open, but all customers are required to have their own seats.

Remote work is recommended, when possible, in areas where the coronavirus epidemic is growing. Leisure travel in

Finland is allowed, but relevant health and safety instructions should be followed. Public gatherings of up to 500 people are allowed, and public gatherings for more than 500 people can also be organised provided that their safety can be ensured. Age-based instructions to avoid physical contact are no longer in force.

A big part of the restrictions imposed in the spring are no longer in force or they have been eased. However, travel restrictions should still be carefully taken into account. The government also recommends the use of facemasks on public transport and other places where close contacts cannot always be avoided. This recommendation is in force in areas that have had coronavirus infections in the last two weeks.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

There are no plans for new lockdowns at the moment.

### *Government support*

Public gatherings of up to 500 people are allowed, and public gatherings of more than 500 people can also be organised provided that their safety can be ensured. Restaurants, cafes and bars are open, but all customers are required to have their own seats.

## 3. How to keep workers safe in the office

### *Back in the office*

Even during a pandemic, employees have an obligation to work in accordance with their employment contract. This means employers can demand employees return to work. However, remote work is still strongly recommended.

### *Vulnerable employees*

There are no separate rules for vulnerable employees or vulnerable groups. However, the employer must assess whether there are employees, whose risk of being infected with coronavirus at work is elevated compared to the rest of the population and ensure their health at work.

If the risk of infection is significantly elevated, the employer must take occupational safety and health measures. The primary measure to prevent employee exposure is to avoid social contact or limit the number of contacts. If social contact cannot be avoided due to the nature of the work, it must be assessed if the risk can be reduced sufficiently with protective solutions. In the assessment, the employer's obligation is, together with occupational health care professionals, to assess how an employee who is a member of a risk group can work safely. If it is not possible to use protective measures to reduce the

risk at work sufficiently, the employee should be given other duties that do not have a similar risk of infection.

### ***Setting up the workplace***

The official instructions and gathering restrictions should be followed if the employer requires employees to perform work at the workplace.

You should favour work arrangements that decrease close contacts and other possible risk factors. You should also ensure that all employees are aware of good hygiene practices as recommended by the Finnish Institute for Health and Welfare. Plan and prepare in advance for a situation where a growing number of employees get sick, and how remote work and extra staff can be organised.

You should keep employees informed of the workplace strategy against coronavirus and instruct any employee with symptoms to contact occupational health care.

### ***Suspected cases***

If there is a suspected case of coronavirus at the workplace, the sick employee should be advised to leave the workplace and contact the occupational or public health care provider by a phone or online service. The person with a suspected coronavirus infection should not go directly to see the doctor. If the employee falls ill during a workday, she/he should be isolated from the other

employees. In addition, the area where the employee has been during the workday should be isolated and comprehensively cleaned. Further, employers should assess whether any other employees may have been exposed to the virus.

If there is a suspicion that an employee may be infected, the employer may require that the employee who is suspected to be infected to stay home. In this situation, the employer must pay the employee her/his normal salary. If the employee is later diagnosed with COVID-19, sick pay is paid according to the general rules and rules on quarantine should be observed.

### ***Official notification***

The employer does not have an official notification obligation. The occupational health care service will make the official notification.

### ***Communicating with your workforce***

It should be noted that as health data belongs to one of the special categories of personal data, it requires specific protection. An employee's health data may only be processed by people whose job description includes this processing.

The employer must either designate these individuals in advance or specify the tasks that involve processing health data. Individuals who process health

data are subject to a confidentiality obligation.

This means that if an employee is diagnosed with COVID-19, the employer may not, as a rule, name the employee in question. The employer can inform other employees of the infection or potential infection in general terms and instruct them to work from home.

### ***Return to work after recovery***

After an employee has been diagnosed with COVID-19, she/he should remain home at least 14 days. If the employee still has symptoms on the 14th day or after that, she/he should stay home until she/he has been without any symptoms for at least two days. However, if the employee works in the health care sector, the employee should follow the employer's specific guidelines.

## **4. How to organise homeworking for the long term**

Employers should ensure that all employees, and particularly those who are new to remote work are adequately instructed and supported and possibly arrange events in which experiences and good practices can be shared. In most cases, it is advisable to have a written agreement on remote work. This agreement may include specifications on the workload, times, and dates, primary location and tasks of remote work. The primary location of remote work should be the employee's home or a similar

## Contact our specialists in Finland



Seppo Havia  
**Finland**  
Dittmar Indrenius  
[seppo.havia@dittmar.fi](mailto:seppo.havia@dittmar.fi)



Nana Karanen  
**Finland**  
Dittmar Indrenius  
[nana.karanen@dittmar.fi](mailto:nana.karanen@dittmar.fi)

location. In general, both employee and employer have all the obligations under the employment contract regardless of whether the work is performed remotely or at the employer's premises. This means, for example, that contractual working hours should be observed, and the employer should provide the employees with the tools needed to perform their duties.

Employers are required to ensure the health and safety of their employees during the period that remote work is performed. There is a special emphasis on this when the remote work is performed for a longer term.

Remote work is strongly recommended, and employees are allowed to request long-term homeworking based on their concerns about coronavirus. However, as explained above, the employee has an obligation to work in accordance with the employment contract, meaning the employer can demand the employee returns to on-site work.

Even if employees work from home for a longer time due to the special conditions of the pandemic, it is unlikely that they will acquire a right to work from home, that is, that remote working would become a term of employment.

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# France

Last updated:  
9/9/2020

## 1. Restrictions on national daily life

Since 20 July, wearing masks has been mandatory in closed places open to the public (e.g. restaurants, public transports, etc.) as well as in places indicated by the local administration, depending on the local epidemic situation. It is, for example, mandatory to wear a mask in the whole of Paris since 15 August.

France was on lockdown between 17 March and 11 May. Three phases of 'reopening' took place, with different levels of restrictions, until 10 July, when the end of the national state of health emergency was pronounced.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

No new lockdown has been imposed, and the intention is to avoid such measures in the future.

Locally, some administrative measures can be taken in territories in 'red zones', classified as such due to active circulation of the virus. These measures could include early closure of restaurants and bars, limits on travel within the area, lockdown of public events or places (museums, markets etc), as well as schools for example, under some conditions.

## *Government support*

Various measures have been taken to support businesses to face past lockdown (exemptions from social security contributions, postponement of payment of contributions for independent workers, loans guaranteed by the state, financial assistance, and a partial activity system contributing to part payment of salaries for employees forced to stop to work...). Although no new lockdown is envisaged, we could expect that the same type of measures would apply.

The French Government recently disclosed the expected measures of the 'France recovery' plan. They include a decrease of production taxes from 1 January 2021; measures to strengthen funds for small and medium companies (with loans and others financial measures) and measures to increase training opportunities and hiring, in particular for young workers.

A new long-term partial activity mechanism is also expected to be implemented shortly. It offers the possibility for a company facing a lasting reduction in its activity to reduce employees' working hours, and to receive an allowance from the State for the hours not worked in return for commitments, particularly in terms of safeguarding of employment.

## 3. How to keep workers safe in the office

### *Back in the office*

From 1 September, all employees can work on site, if employers comply with the requirements to ensure the health and safety of workers and ensure that there is no exception or more favourable provision to which the employee could be entitled.

Requesting employees return to work is possible. However, 'forcing' employees to return to work might expose the employer to liability if someone gets infected at work (pursuant to the employer's obligation to ensure employees' health and safety). Besides, some employees might have particular vulnerability or might refuse to come to work, in particular if the employer cannot ensure safety at work.

### *Setting up the workplace*

The government published a national protocol to ensure the health and safety of employees in companies, updated on 31 August. From 1 September a COVID-19 responsible person (référent) should be appointed to ensure the implementation of the measures defined and to inform employees. These recommendations are summarised below.

*Hygiene and physical distancing measures:*

A physical distance of at least one metre must be complied with between each employee.

Other examples of good practices cited include, among others, setting up a maximum density in work premises (e.g. 4 m<sup>2</sup>), drawing up circulation plans and modifying workers' hours to avoid groupings and crossovers.

*Mask wearing:*

In principle, wearing of masks is mandatory within organisations. However, there are adaptations according to infection levels in the geographical area (green, orange and red zones have been redefined: Paris area in particular, and 27 other counties, are currently in red zones). Depending on the area in which the company is located, it will be possible for workers to temporarily remove masks at certain times of the day and if certain conditions are met (e.g. existence of protective screens between workstations, functional ventilation, supply of protective visors, etc.).

Workers alone in an office are exempted from wearing masks. Likewise, workers in workshops do not have to wear masks as long as specific ventilation conditions are complied with, the number of individuals present in the work area is limited and the workers wear protective visors and respect the greatest possible distance between them.

For outdoor workers, masks should be worn in case of grouping or inability to maintain a physical one-metre distance.

*Prevention of contamination risks:*

The employer should establish procedures for regular cleaning and disinfection of objects and areas that workers are likely to touch throughout the company's premises. Workspaces and public reception areas must be regularly ventilated.

In addition to the national protocol, specific guidelines have been set since March 2020 for each type of industry/activity, giving recommendations on adapting work in the context of COVID-19.

***Vulnerable workers***

Employers must pay particular attention to workers presenting risks of serious forms of COVID-19. For these people, homeworking is preferable when possible and they can even be placed in partial activity if necessary. This also applies to workers residing with an at-risk person, however, for the latter, the partial work placement scheme was discontinued on 1 September.

When homework cannot be granted, additional protective measures should be put in place, such as provision of a surgical mask by the company to the worker, who should wear it continuously

from the moment he/she leaves his/her home until he/she returns home. Particular vigilance with regard to regular hand hygiene and adapting the workstation layout are also recommended.

***Suspected cases***

Employers must draw up a preventive procedure for the management of symptomatic workers. It should comply with the following:

- Isolate the person in a dedicated and ventilated room.
- Contact the company health professional or the COVID-19 referent.
- If symptoms are mild, call the occupational doctor or ask the worker to call his personal doctor for a medical opinion. If the doctor confirms the absence of severity, arrange for the worker's return home. If there are signs of severity, call the emergency medical services.
- Contact the occupational health service to organise the cleaning and disinfection of the workstation and follow-up of workers who have been in contact with the symptomatic person.

Employers should invite employees suspected to be infected not to come to work, to consult a doctor without delay, to get tested and to isolate themselves while waiting for the results.



Employers can make temperature checks at the entrance to the workplace, although this is not recommended by the government. The employee may refuse to submit to temperature checks. If the employer, upon such refusal, does not allow the employee access to his or her position, the employer may be required to pay the employee the wages for the lost workday.

However, it still seems possible to impose homework on an employee suspected to be infected to guarantee the protection of all workers. In any case, if the employer suspects an employee of being infected at work, it must follow the procedure described above (isolate the person, contact a health professional, arrange for the worker to go home or call the emergency services and contact the occupational health service).

#### ***Official notification***

The employer needs to contact the occupational health service if there is a suspected or confirmed case and may also inform employees, but no official notification is required.

#### ***Communicating with your workforce***

If the symptomatic worker is confirmed to have COVID-19, the physician treating him/her and the health insurance platforms will identify and take care of workers who have been in contact. Some workers may then be placed in a 14-days period of sanitary confinement.

#### ***Return to work after infection***

According to Labour Ministry guidelines from the end of July, a return to work is not subject to a medical opinion, although this is recommended. Return seems possible after a minimum of eight days after the appearance of symptoms and 48 hours after the disappearance of any clinical signs.

#### ***4. How to organise homeworking for the long term***

In exceptional circumstances, such as COVID-19, employers can impose homework on employees without their agreement. Otherwise, in the longer term, homeworking is usually set by collective agreement or after consultation with employee representatives. Employers can provide for full-time homework or alternation between homework and on-site work

The employee will have to respect working hours set by the employer, and his/her break times will remain unchanged. The employer must ensure compliance with the employee's right to disconnect.

Except in exceptional circumstances, it is usually requested that the employer guarantee the employee a workspace dedicated to teleworking, inside the home (surface area, dedicated office, etc.). Employers must make every effort to put in place means and equipment such as adapted software and computers if the

employee does not have a personal computer or does not wish to use it.

It is unclear whether employers must pay a work allowance to reimburse workers for homeworking expenses. The Ministry of Labour first considered that employers had to reimburse employees' professional expenses and therefore had to pay this allowance. This was in accordance with the provisions for normal, non-exceptional telework in a national interprofessional agreement. However, in its Q&A, the Ministry of Labour then indicated that the employer was not required to pay this allowance unless the company had an agreement to this effect. When organised by collective agreement, this allowance is generally negotiated and provided.

The employee's usual rights are maintained, in particular with regard to catering (e.g. meal tickets.). In the event of an accident while homeworking, the employee is covered by the legislation applicable to accidents at work.

Homeworking is still recommended by the government, when possible. Employers are therefore encouraged to use it. However, although this practice is recommended, the employer may refuse to allow an employee to homework, unless the employee is vulnerable or lives with a vulnerable person (see above) and unless the employee meets the conditions of an existing agreement on homeworking.

## Contact our specialists in France



Guillaume Bordier  
**France**  
Capstan Avocats  
[gbordier@capstan.fr](mailto:gbordier@capstan.fr)



Jean-Benoit Cottin  
**France**  
Capstan Avocats  
[jbcottin@capstan.fr](mailto:jbcottin@capstan.fr)

The fact that an employee is concerned about coronavirus cannot force an employer to place him or her on homework if all conditions to ensure safety at work are in place. However, the employee can always ask his/her employer, who will have the option of granting the request or not.

COVID-19-related measures constitute homework in exceptional circumstances and allow employers to ask employees to return to the company if the conditions for resuming work comply with health instructions. Other than in exceptional circumstances, the possibility for home working is strictly regulated by the French Labour Code and company policy. In theory, the fact that an employee has been exceptionally placed on homework should not entitle him/her to homework indefinitely. However, in practice, this certainly reinforces the increasingly recurring demand to extend remote work, at least partially.

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# Germany

Last updated:  
14/9/2020

## 1. Restrictions on national daily life

While there was no general lockdown, Germany had issued a 'soft' lockdown, generally prohibiting gatherings of more than a small number of people in public or at home. Some federal states including Berlin have now completely lifted the ban on gatherings, others, such as Bavaria still prohibit gatherings of more than ten people in public. The restrictions continue to vary from one federal state to the other and are subject to constant change. Nationwide, distance and hygiene regulations must be observed. In addition, citizens are required to keep the number of people with whom they have contact to a minimum and keep contacts as constant as possible (that is, with the same people). Where possible, a physical distance of 1.5 metres must be observed between people. Face masks must be used on public transport, in shops and in some federal states also in schools.

The federal government issues travel warnings on a constant basis for areas with an increased risk of COVID-19 infection. Starting 1 October, a 14-day quarantine obligation will apply to those entering Germany from risk areas. A shortening of the quarantine period is possible with a negative corona test result. The test can be carried out at the earliest five days after entry.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Given the federalist structure of Germany, the steadily progressing developments of the coronavirus situation and corresponding restrictions on daily life are subject to an ongoing diligent review and change.

Most businesses are generally open again since May, with a few exceptions such as clubs and saunas. Also in this case, different rules apply in the different federal states. Mainly businesses are required to have a safety and hygiene concept. Depending on the type of business, there exist documentation obligations (collection of personal data of guests) for organizers of events or for restaurants and hotels.

### *Government support*

The federal government introduced several support mechanisms for business. Amongst them is an interim aid (Überbrückungshilfe) for self-employed individuals and small and medium-sized enterprises, whose revenues have fallen substantially during the pandemic. Further, an Economic Stabilisation Fund has been set up with a total volume of up to EUR 600 billion. It provides German companies across all sectors with stabilisation measures in the form of guarantees and warranties to strengthen their capital base and overcome liquidity

bottlenecks. Tax breaks, easier access and a prolongation of short time working allowances are also amongst the support mechanisms.

## 3. How to keep workers safe in the office

### *Back in the office*

Employers can require employees to return to on-site work, at least in most cases. The right to issue instructions gives the employer the right to determine the place of work, which is usually the office. Employees have no right to stay at home as a preventive measure if they are afraid of infection and there is no general right to work from home. However, if, at the beginning of the pandemic, employees reached a binding agreement with their employer to work from home for six months, for example, the company is also bound by that. This is also the case if the employee has young children who need care and no childcare is available. As childcare and schools are generally open again in Germany, this should only apply in exceptional circumstances.

### *Setting up the workplace*

The German Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales) has adopted a SARS-CoV-2 Occupational Safety and Health Standard ('SARS-CoV-2-Arbeitsschutzstandard') as well as a SARS-CoV-2 Occupational safety rule

('SARS-CoV-2 Arbeitsschutzregel) which set out feasible guidance on potential measures that employers can implement in order to ensure compliance with the statutory health standards.

Generally, two clear principles apply:

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

Measures such as ramping up hygiene levels, cancelling unnecessary personal meetings and restrictions on business travel should be considered as well as rearranging workplaces in order to observe the set physical distance of 1.5 metres.

Where necessary, the installation of (transparent) dividers (especially in places frequented by the public), working from home etc. should be considered. External visitors should be asked about potential risk factors, and this should be communicated to employees to create an atmosphere of managed risk.

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

### ***Vulnerable employees***

Employers need to consider the specific risks for vulnerable employees and take appropriate measures to protect them (s3(6) and 5(4) of the SARS-CoV-2 Arbeitsschutzregel). This has to be done on a case-by-case basis.

### ***Suspected cases***

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

You cannot force an employee to get tested for coronavirus. 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.

### ***Official notification***

There is no general notification obligation for employers. Only the heads of community bodies (e.g. kindergartens, schools or care facilities for elderly people) are obliged to report authorities in the event of an infection in their facility.

Employees with relevant symptoms should contact their primary care physician or call the national/local coronavirus hotline. The doctor will assess whether further care is required and if a test is necessary. If the test is positive, the doctor as well as the test center are obliged to notify the local health authorities, who will then get in touch with the infected employee.

### ***Communicating with your workforce***

Employers should specify procedures in a company pandemic plan in the event of a confirmed infection for identifying and informing individuals (employees and, where applicable, customers) who are also at risk of infection through contact with the infected individual.

Generally, you should draw up emergency action plans, including communication with 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

## Contact our specialists in Germany



Stefan Fischer **Germany**  
Kliemt.HR Lawyers  
[stefan.fischer@kliemt.de](mailto:stefan.fischer@kliemt.de)



Julia Wittig  
**Germany**  
Kliemt.HR Lawyers  
[julia.wittig@kliemt.de](mailto:julia.wittig@kliemt.de)

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.

### ***Return to work after recovery***

Employees may return to work after the quarantine order imposed by the local health authority has been lifted, provided they are not still unfit for work (e.g. still suffering from the effects of the infection). Before resuming their activities, returning workers must be given information on the protective measures taken in operation as a result of the COVID-19 episode. In the event of an incapacity to work of more than six weeks in the last twelve months, the employer must also offer the affected employee company integration management in accordance with the German Social Code (s167 (2) SGB IX, see also 5.5 SARS-CoV-2 Arbeitsschutzregel).

### **4. How to organise homeworking for the long term**

Even when working outside the company premises, it is basically the employer's responsibility to take measures for occupational health and safety in accordance with the provisions of the Occupational Health and Safety Act. The concrete measures which the employer must take depend on the circumstances of the individual case. The measures are mainly limited to instructions on

occupational health and safety (e.g. ergonomic design of the workplace, information regarding interruptions of screen work for changes of activities and work breaks, etc.).

Employees, even if they work from home, must comply with the maximum limits on working hours, break regulations and rest periods. The employer is responsible for this and must enforce the relevant provisions. However, monitoring by the employer in the home office is only possible to a very limited extent. The employer should therefore delegate its duties to document daily working time to the employee. If the employee procures work equipment for working from home at his/her own expense, s/he may have a claim for reimbursement against the employer. This depends on the reasons for which working from home has been set up and what expenses are involved.

Without an agreement, employees have no right to work from home. A legal right to a home office has so far only been the subject of political discussion in Germany. Employees are therefore currently not allowed to move to remote work without the employer's consent. This could only be possible if the employer does not sufficiently comply with its obligations under s618 of the German Civil Code (BGB) in conjunction with public law employment protection standards. In this case, the employee might have a right to refuse to work in the office. If, for example, the employer does not comply with the recommended

hygiene standards in the company or cannot guarantee a minimum distance between the employees, an arbitrary relocation of the activity to the home office without the employer's consent could be conceivable within narrow limits (e.g. in the case of serious or persistent infringements which may cause lasting damage to the employee).

The employer has the right to unilaterally order the activity at the office if there is no conflicting agreement which guarantees the employee the right to work from home. The employee is not entitled to continue working from home. This right would not arise either from a company practice nor from a formalisation of the right to issue instructions.

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# Greece

Last updated:  
9/9/2020

## 1. Restrictions on national daily life

There is no lockdown in Greece.

Schools in Greece are provisionally planned to open on 14 September, provided that all relevant restricted measures are abided by the students, teachers and parents. Mass assemblies are permitted under certain circumstances (e.g. limited number of attendees). Services for religious worship of any religion, including churches, operate with limited attendance too.

Commercial and other activities, such as retail stores as well as hairdressing, beauty salons and technical service of vehicles (KTEO) are all open and obliged to abide by certain mandatory operating rules, such as the mandatory use of protecting masks by both employees and customers, keeping distance, as well as a limit on the number of customers that may enter at each place depending on its capacity. Restaurants, cafes, night clubs must close at midnight.

Stores' operating hours have been modified to the regular working hours. Retail stores open at 10:00, supermarkets operate from 08:00 to 21:00 and hairdressing and beauty salons may extend their operating hours from 07:00 to 22:00. To cover these working hours, the new Legislative Action (the 'Law') states that, for a maximum of six months from the date of entry into force of the Law, employers that have already exhausted the legally prescribed overtime limits of their employees may

give them overtime without the relevant approval of the Ministry of Labour and Social Affairs.

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

Generally, most businesses must schedule customer appointments to avoid overcrowding. Employees and customers should wear masks. In enclosed spaces, the use of masks is obligatory for everyone. Businesses must display the number of people allowed in the premises at a time. A customer per 15 M<sup>2</sup> is recommended in all food stores, a distance of two meters between customers and queues of no more than five people. Also, a limited number of customers is allowed per square metre: for 20 M<sup>2</sup>, four people.

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

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Any reimposition of lockdown would take place gradually. Firstly, a number of businesses related to an increased

overcrowding risk should be closed and only afterwards lockdown reimposed. In this case, remote working would be mandatory for employee to render services, provided that this is possible.

### *Government support*

Most businesses that are either closed by a compulsory State order or severely affected by the COVID-19 outbreak can implement systems of rotate work or suspension of employee's contract and the Greek State should cover part or the basic employees' remuneration and social security contributions.

Already in force, the SYN-ERGASIA ('Cooperation') programme implements a system of work rotation. The private sector employers that are part of the 'COOPERATION' mechanism, can reduce their weekly working time by up to 50%. This means that the 40 hours of the conventional weekly schedule, on a five-day or six-day basis, can be reduced to 20 hours. The state, by paying the financial aid for short-term work, financially covers 60% of the net salary. This financial support is calculated on the employee's net salary and corresponds to the time during which the employee does not work.

The State is also providing freelancers, self-employed and businesses with certain benefits related to discounts of up to 25% on VAT payments and social security installments that are paid on

time, as well as discounts on certain type of loans or businesses' rents.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

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

Employers can require employees to return to on-site work provided that the employee does not belong to a vulnerable group, see *Vulnerable employees*, below.

#### ***Setting up the workplace***

Depending on the capacity of each workplace, as well as the type of the activity, each employee that come in direct contact with public should wear a protective mask (e.g. restaurants, cafes etc.), as well as maintaining social distance and employers must ensure that no more than the maximum number of customers is permitted to enter the workplace. Most food shops and restaurants should have sanitiser available and ensure the regular disinfection of workplaces.

#### ***Vulnerable employees***

Except where the employer decides unilaterally to implement a remote working system, the employees belonging to vulnerable groups may render their services remotely, upon their request, by any appropriate means, such as by telephone, email or mobile text message. The employer should accept their request, if their work can be provided remotely. In the event that this is not possible, the employer shall take measures to ensure that any employee who is a member of a vulnerable group, does not provide work for which s/he comes in contact with the public. If this is not feasible, the employer can, as a last resort protection measure for a vulnerable employee-applicant who requests remote work, puts suspend his/her employment contract for a period of time until 30 September 2020.

#### ***Suspected cases***

An employee who suddenly has coronavirus symptoms in the workplace should wait in a place where s/he will not come in contact with other people. The occupational physician (where there is one) should be informed or the supervisor when there is no occupational physician.

The EODY (the Greek public health organisation) must be notified immediately to provide necessary instructions, which must be followed faithfully. The area where the employee was must be cleaned and disinfected,

after s/he leaves, by the cleaning staff, according to EODY instructions as listed on its [website](#). Where possible, remote work is recommended. If you suspect an employee is infected you can require him/her to work remotely.

#### ***Official notification***

EODY should be properly notified as well as the competent National Institution of Health and safety in the workplace.

#### ***Communicating with your workforce***

After undertaking the relevant cleaning and disinfection measures described above, the employer should inform employees (via the occupational doctor if there is one) regarding the measures that have been undertaken and will be implemented as well as providing relevant advice. This may be done by any appropriate means.

#### ***Return to work after recovery***

An employee's return to work following coronavirus infection depends on EODY's instructions. The infected worker will usually be quarantined for several days (e.g. seven to 14 days) after his/her last negative test.

### **4. How to organise homeworking for the long term**

When drawing up an employment contract for remote work, the employer must deliver in writing to the employee,

## Contact our specialists in Greece



Dimitrios Kremalis  
**Greece**  
Kremalis Law Firm  
[dkremalis@kremalis.gr](mailto:dkremalis@kremalis.gr)



Fani Batsila  
**Greece**  
Kremalis Law Firm  
[fbatsila@kremalis.gr](mailto:fbatsila@kremalis.gr)

all necessary information related to the execution of the work within eight days. This includes the hierarchical connection with superiors in the company, details of duties, how remuneration is calculated, the method of measuring working time and reimbursement of the costs of remote work (telecommunications, equipment, equipment failures, etc.). If the contract contains an agreement for tele-readiness, its time limits and the response deadlines of the employee must be set out.

If regular on-site work is converted into remote work, an adjustment period of three months must be in this agreement, during which either party, may terminate the telework after a period of 15 days and the employee may return to his/her job in a position similar to the one previously held.

The employer bears the costs caused to the employee by this form of work and in particular telecommunications costs. It must provide the employee with technical support for the provision of work and undertakes to reimburse the repair costs of the devices used to perform work tasks or to replace them in case of failure. This obligation also applies to devices owned by the employee, unless otherwise specified in the contract or employment relationship. The contract or employment relationship defines the way the employer reimburses the employee for use of the employee's (home) workplace. Collective agreements also define more specific frameworks for regulating this issue.

No later than two months from the preparation of the employment contract, the employer must inform the teleworker in writing about staff representatives in the company and provide contact details for them.

A new department, which monitor the teleworkers' working conditions has been established in Labour Inspectorates. All the information described above may be reviewed and amended as a new Ministerial Decision is expected to be issued in order to clarify and specify all matters related to remote work.

Employees can request long-term homeworking based on coronavirus concerns, especially if they belong to vulnerable groups. These employees may work on a remote work system, upon request, by any appropriate means, such as by telephone, email or mobile text message.

It is unclear if employees could acquire a right to work remotely long term based on doing so during the coronavirus crisis, but a specific Ministerial Decision is expected to be issued in order to regulate this and other remote working matters.

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# Hong Kong

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

The latest directions prohibit catering businesses from selling or supplying food or drink for consumption on the premises of the businesses from 22:00 to 04:59 of the subsequent day. The number of customers at catering premises at any one time must not exceed 50% of the normal seating capacity, and tables must be arranged in a way to ensure there is a distance of at least 1.5 metres or partition(s) between the tables. No more than two persons may be seated together at one table. All other requirements, such as temperature screening, provision of hand sanitiser and requiring customer to wear a mask at all times within any catering premises except when the person is consuming food or drinks, remain in effect.

Cinemas and beauty parlours resumed business with restrictions on 28 August 2020, while fitness centres and massage establishments resumed business on 4 September 2020 with restrictions. Bathhouses, party rooms, bars, nightclubs and karaoke lounges remain closed.

Larger exempted group gatherings include those: for purposes related to transportation; for performing any governmental function; at places of work for the purposes of work; for providing, obtaining or receiving healthcare services at a healthcare facility; of individuals

living in the same household; for proceedings in court or in the Legislative Council or a District Council; during a funeral; and for a wedding ceremony where there must not be more than 20 people (no food or drinks can be served).

Contravention of the requirements is subject to a maximum fine of HKD 50,000 and imprisonment for six months.

Throughout the pandemic, the Hong Kong Government has not imposed general restrictions on private sector employees attending work but has suggested that employers should allow employees to work from home where possible. Civil servants and government officials were directed to work from home. Government services have slowly resumed as government workers are gradually returning to work.

With the easing of restrictions, private sector employers who have placed employees on work from home arrangements have gradually resumed normal operations. No specific obligations have been imposed but employers should remember they are legally required, so far as is reasonably practicable, to ensure the health and safety of all employees at work. Simple precautions should be taken such as requiring employees to wear masks, screening temperature, carrying out regular disinfecting and cleaning, and encouraging the regular use of hand sanitiser.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

The Hong Kong Government has not imposed a city-wide lockdown throughout the pandemic, and we do not think there will be a city-wide lockdown in the near future.

However, the restrictions mentioned above have put large burdens upon food and beverage, entertainment, travel, tourism and hospitality industries. As a result, many businesses had taken the following measures to cut costs or to increase cashflow:

- redundancy;
- reduction in pay;
- reduction in hours with corresponding reduction in pay;
- reduction or removal of fringe benefits;
- 'withholding' of remuneration;
- directing employees to take unpaid or annual leave.

### *Government support*

In April 2020, the Hong Kong government implemented the Employment Protection Scheme to assist individuals and businesses to ease the financial difficulties arising out of the coronavirus pandemic. Under this Scheme, the government will provide subsidies to

eligible employers for six months (i.e. from June to November 2020) to cover 50% of salaries capped at HKD 18,000 (i.e. HKD 9,000 per month) for each employee, provided that the employer undertakes not to implement redundancy. If the redundancies take place during the subsidy period, penalties will be imposed. The distribution of the fund is in two phases, with the first tranche covering wages from June to August 2020. The government has distributed the wage subsidies to most (if not all) eligible employers. Application for the second tranche covering the wages from September to November 2020 commenced on 31 August 2020. An eligible employer means any employer who has been making Mandatory Provident Fund (MPF) contributions for employees.

The government will also grant a one-off subsidy to self-employed individuals who have made MPF contributions. For sectors which are not completely covered by the MPF scheme (and therefore not eligible for the wage subsidy) such as catering, construction and transport (mainly taxi and red minibus drivers), the government will also provide financial support to employers.

### **3. How to keep workers safe in the office**

#### ***Back to the office***

Generally speaking, an employee must comply with his or her employer's

reasonable instructions. Therefore, unless there is a valid basis for refusing to attend the workplace or s/he thinks the workplace is dangerous or hazardous to his or her health, an employer could mandate its employees to return to workplace, and a refusal to comply with the instruction to return to workplace may amount to a breach of contract.

However, employees may lawfully refuse to return to workplace if they reasonably fear for their health and safety. This may be the case where it has been confirmed that another employee contracted the virus, but the workplace has not since been professionally cleaned or disinfected.

#### ***Setting up the workplace***

As a matter of principle, under common law and the Occupational Safety and Health Ordinance (OSHO), an employer has a duty to take reasonable care of employees' safety and health and to provide and maintain a safe place of work for the employees in all circumstances.

In addition, the Centre for Health Protection has issued a [Guideline](#) to help prevent COVID-19 in workplace. Although this Guideline does not have the force of law, employers are encouraged to follow it to the extent possible. Following the Guideline may help to demonstrate that employers have discharged their duty of care under statute and under common law.

It is therefore prudent for employers to implement various measures such as temperature checks, physical distancing, ensure the use of protective equipment such as face masks, quarantine measures in relation to employees whose family members are infected etc.

#### ***Vulnerable employees***

There is no definition of 'vulnerable' employees in Hong Kong, and therefore there are no separate rules for so-called 'vulnerable' groups.

#### ***Suspected case***

There is no legislation nor guidance the employer is required to follow in terms of practical measures. We recommend that the employer should direct the concerned employee not to attend the workplace until they obtain medical clearance.

Bearing in mind the employer's obligation to provide a safe workplace, we recommend that all employees who have been in close contact with that person should be directed to work from home for two weeks. Employers should also clean and disinfect the workplace.

The employer can require an employee not to come to work until s/he obtains medical clearance if it suspects s/he is infected.

### **Official notification**

There is no express obligation to notify government authorities that an employee has tested positive. However, employers should cooperate with the Department of Health if investigation is conducted to trace contact.

If an employee contracts or suspects having contracted COVID-19 by accident arising out of and in the course of their employment, the employer is required to notify the Labour Department of the 'injury', to allow the employee to bring a potential claim under the Employee Compensation Ordinance.

### **Communicating to the workforce**

Employers should act promptly as soon as they learn there is a confirmed case and communicate in an open and transparent manner. However, employers should not disclose the identity of the infected employee to avoid any breaches of the Personal Data (Privacy) Ordinance. Employers should give assurance that they will take all reasonable steps to maintain a safe and healthy workplace for employees and list out the steps that will be taken to clean and disinfect the workplace. Employees should be reminded to assess their own potential COVID-19 symptoms daily.

### **Return to the work after recovery**

There is no formal procedure to be followed by employers in Hong Kong. We

recommend that an infected worker should only return to work if he/she satisfies the **discharge criteria** set by the Centre for Health Protection (i.e. the test result is negative or he/she tested positive for SARS-CoV-2 antibody, that his/her clinical conditions have improved and he/she is afebrile).

### **4. How to organise homeworking for the long term**

'Workplace' is defined broadly under the OSHO to include 'any place where employees work' with limited exceptions, which can include the employee's home if they are working from home.

#### *Rights under the Employee*

*Compensation Ordinance:* Under the Employee Compensation Ordinance, employers are liable to pay compensation to an employee who suffers a personal injury by an accident which 'arises out of and in the course of employment'. Therefore, if an employee sustains injury in the course of work when he/she is working from home, employers may be liable to pay compensation to the injured employee. Although this issue is yet to be tested in the Hong Kong courts, there are a few Australian authorities affirming the position that employers are liable to pay compensation to employees who sustain injury in the course of work while working from home.

In the circumstances, employers must both provide an adequate system and ensure that employees follow it, through

management, instruction, incentivisation and ultimately discipline.

*Provision of Equipment and Reimbursement:* With respect to the provision of equipment (such as a computer or printer), employers could either provide necessary equipment to employees, or allow employees to use their own equipment at home.

Further, employers should reimburse employees for the business and operational costs incurred as a result of working from home (especially when the employment contract provides so), and failure to do so may leave room for an argument by the employee that the employer is either in breach of the employment contract, or that the costs incurred, if not reimbursed, would be an offset against earned wages, and therefore result in deduction of salary. If so, the employee may have potential claims for constructive dismissal and/or unreasonable variation of employment terms.

Employees do not have the legal right to request long-term homeworking. Therefore, unless there is a valid basis for refusing to attend the workplace or an employee thinks the workplace is dangerous or hazardous to his/her health, employers could refuse a request, and a refusal to comply with the instructions to return to workplace may amount to a breach of contract.

**Contact our specialist in  
Hong Kong**



Catherine Leung  
**Hong Kong**  
Lewis Silkin Hong Kong  
[catherine.leung@lewissilkin.com](mailto:catherine.leung@lewissilkin.com)

Provided that an employer has taken reasonable measures to provide for the health and safety of its employees, in the absence of any specific grounds for refusing to return to work other than general concerns about the presence of the virus in Hong Kong, an employer can legally require an employee to attend the workplace, and it is unlikely that the employees' requests to work from home permanently based on concerns about coronavirus would be allowed.

Note that we think it is unlikely that employees will acquire the right to work at home, even if they have done it for a certain period of time.

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# Hungary

Last updated:  
11/9/2020

## 1. Restrictions on national daily life

Currently, there are only a handful of restrictions on national daily life.

Everyone is required to wear a mask, shawl, handkerchief or equivalent to cover their face and nose on public transport and inside retail stores. In most hospitals, surgeries, pharmacies patients are also required to cover their faces.

Face covering is not required in restaurants, bars and cafés and similar places.

There is also a prohibition on music and dance type events for above 500 participants.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Within Hungary, there is no lockdown at the moment. The Government and the Chief Medical Officer have the right to impose limited lockdown for the entire country or for certain areas within it.

The Hungarian Government has introduced new travel restrictions in the context of the coronavirus pandemic. The Decree on travel restrictions during the epidemiological preparedness period (Decree no. 408/2020. (VIII. 30.), the 'Decree') regulates entry into Hungary from 1 September to 1 October 2020.

A chief executive officer or an employee of a domestic company or a company incorporated in any state which is in a business relationship (under the relevant tax legislation) with another company registered in any other state may enter Hungary without restrictions, provided s/he provides evidence of the business purpose of travel.

The government will allow Czech, Polish and Slovak citizens to enter with a negative COVID-19 test within five days, but it is expected that at the request of other states, several countries may be granted a concession for their nationals to enter Hungary for tourist purposes.

### *Government support*

The Government no longer provides any support to businesses that are subject to the lockdowns.

## 3. How to keep workers safe in the office

### *Back in the office*

If the employer has fulfilled all obligations related to providing a healthy and safe workplace, employees can be ordered to return to their original workplace stipulated in their employment contracts.

### *Setting up the workplace*

Employers are required to provide general information on the infection (symptoms and mode of spreading) and the preventive measures implemented.

Employers must also review their occupational safety risk assessments with regards to COVID-19 if they have not already.

Employers should implement all possible measures to prevent the spread of the infection, including social distancing, providing protective equipment and disinfectants, reviewing hygiene rules, regular cleaning of the workplace and implementing plastic barriers between employees or customers. It is also recommended employers implement a questionnaire for employees regarding their travel abroad and possible contact with infected persons.

### *Vulnerable employees*

There are no specific separate rules for vulnerable employees or vulnerable groups in the Hungarian occupational safety legislation or guidelines.

The employer may introduce additional measures at its own discretion to protect vulnerable groups of employees.

### *Suspected cases*

If someone feels sick, they should call and inform the employer. 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. The employer can require employees to report if they are

## Contact our specialist in Hungary



Marianna Csabai  
**Hungary**  
CLV Partners  
[marianna.csabai@clvpartners.com](mailto:marianna.csabai@clvpartners.com)

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 the employer if they are infected. The employer 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 the employer and the employee.

An employer may instruct an employee suspected to be infected to work from home if it is possible. If the employee cannot work from home, the employee can be put on paid leave.

### ***Official notification***

The employer should report the case to National Epidemic Agency giving the name of the doctor who treated or examined the affected employee.

### ***Communicating with your workforce***

The fact that there has been an infection can be disclosed to other employees, without disclosing the identity of the infected individual.

The employer 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.

### ***Return to work after recovery***

After contacting the general practitioner or another healthcare professional, the infected worker should wait until the National Epidemic Agency imposes home or hospital quarantine and may only return to work once the quarantine is lifted by written official order.

## **4. How to organise homeworking for the long term**

If the length of the homeworking exceeds 44 working days per year, the parties have to sign an agreement on homeworking conditions, including reimbursement of costs.

For homeworking, a health and safety risk assessment of the home workplace including work equipment used by the employee is a must.

Under the Labour Code, employers are liable to compensate their employees for justified expenses incurred in connection with performing work, unless otherwise agreed by the parties.

Employees may request long-term homeworking; however, this requires a bilateral agreement to amend the employment contract. This means employers cannot be forced to alter their operations and implement long-term homeworking.

Employees cannot acquire the right to work from home if the ground for homeworking was the temporary epidemic situation or state of emergency. In these circumstances, there is no mutual intent to amend working conditions for a longer period of time. If the homeworking were to continue after the end of the epidemic or state of emergency situation, that might result in the employee acquiring the right to work from home.

The Government is working on a draft bill on the terms for long-term homeworking.

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# Ireland

Last updated:  
9/9/2020

## 1. Restrictions on national daily life

Everyone who can should continue to work from home where possible. Employees who cannot work from home can return to work. Employers must comply with the Return to Work Safely Protocol and any other guidance which applies to their particular workplace or industry. Social visits to homes, both indoors and outdoors, should be limited to a maximum of six visitors from no more than three households. Physical distancing should be observed at all times when meeting others. Outdoor gatherings and events are limited to 15 people. Weddings are exempt from this guidance and can be held with up to 50 people in attendance including staff working at the venue. Restaurants, cafes and pubs which serve food, can operate, provided they follow specified public health guidance. Some cultural venues, such as theatres, cinemas and galleries can also have up to 50 people in attendance, but must make sure that physical distance measures are in place. Face coverings are required by law on public transport and in shops, shopping centres and other specified indoor settings.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

There are no local lockdowns at present and no new national lockdown. Local lockdowns have been on a county basis and have limited travel into and out of the

county except for travel to and from work when it is not possible to work from home, to attend medical appointments, for vital family reasons or for farming purposes. Cafes and restaurants were closed except for takeaway or outdoor dining, and other leisure and entertainment venues like cinemas, gyms and swimming pools were also shut.

## *Government support*

Packages of measures were provided by the Irish Government to offer support to businesses in counties that were subject to local lockdowns.

## 3. How to keep workers safe in the office

### *Back in the office*

The government's advice is that everyone should work from home, if possible. If any employees refuse to come back to work, this should be dealt with on an individual basis taking into account the particular reason why the employee is refusing to come back to work. For instance, they may be worried about using public transport. Disciplining an employee in those circumstances is likely to be deemed to be unreasonable, in particular where it's possible for the work to be done remotely.

## *Setting up the workplace*

While it is recommended that remote working continues for all that can do so, the Return to Work Safely Protocol has been devised by government to ensure the safe return to work for businesses. The protocol includes the following steps:

- updating current health and safety plans and safety statements;
- completing an online or onsite coronavirus induction training for all employees;
- completing an employee-specific coronavirus questionnaire/self-declaration to be submitted to the employer at least three days in advance of returning to work;
- advising employees with coronavirus symptoms, or exposure to a confirmed case, to stay at home and not come to work;
- implementing a procedure for responding to suspected coronavirus cases in the workplace; and
- appointing at least one lead worker representative in each workplace to ensure all the necessary guidelines outlined in the protocol are being maintained.

There is no current guidance in regard to testing of employees, so it is recommended that employers look for less invasive ways of protecting health and safety of employees who cannot work from home and must come to the

workplace. Face coverings are required for employees in customer facing roles in restaurants and cafes where no other protective measures are in place, for example: protective screens and where physical distancing of two metres is not possible.

### ***Vulnerable employees***

There are separate rules for workers who are:

- very high risk or extremely vulnerable; and
- high risk.

The very high risk or extremely vulnerable group includes people who are over 70 years of age, have had an organ transplant, are undergoing chemotherapy for cancer, are on dialysis or are immunocompromised. The full list of people in this category is [here](#). People in this group are advised to cocoon, which means staying at home as much as possible and limiting social interactions to a very small network for short periods of time. People in this group should work from home. If employees in this group cannot work from home, advice from occupational health should be obtained to determine next steps.

The high-risk group includes people who are over 60 years of age, have a learning disability, have a lung condition, have heart disease or have diabetes. The full list of people in this category is [here](#).

People in this group should work from home. If employees in this group cannot work from home, they must take extra care to practice physical distancing and regularly wash their hands. The Return to Work Safely Protocol recommends that employers must ensure that vulnerable employees are preferentially supported to maintain a two-metre physical distance while in the workplace.

Employers are required to carry out a risk assessment of the workplace in respect of any employees who are pregnant.

### ***Suspected cases***

The manager and response team must:

- Immediately isolate the person who has a suspected case of coronavirus and have a procedure in place to accompany the person to the designated isolation area via the isolation route.
- Ensure that the person keeps at least two metres away from others at all times.
- Provide a mask for them to wear in common areas with other people or while exiting the premises.
- Assess whether the person can immediately be directed to go home and call their doctor and continue self-isolation at home.
- Arrange transport home or to hospital for medical assessment. Public transport of any kind should not be used.

- Carry out an assessment of the incident which will form part of determining follow-up actions and recovery.
- Arrange for appropriate cleaning of the isolation area and work areas involved.
- Provide advice and assistance if contacted by the HSE.

An employer may be able to require an employee suspected to be infected not to come to work. It will depend on the reason why the employer suspects an employee is infected and whether the employee has already received medical advice.

### ***Official notification***

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

### ***Communicating with your workforce***

The manager and response team should use the records kept regarding 'direct contact' to identify people who have been in contact with the individual. The manager and response team should carry out an immediate assessment of the incident to determine the information that should be communicated to the workforce and the actions to be taken in respect of direct contacts. The employer should contact the HSE for advice on any



## Contact our specialist in Ireland



Siobhra Rush  
Ireland  
Lewis Silkin Ireland  
[siobhra.rush@lewissilkin.com](mailto:siobhra.rush@lewissilkin.com)

actions or precautions that should be taken.

### ***Return to work after recovery***

The public health guidance provides that a person who has tested positive for COVID-19 is required to self-isolate until both of the following apply:

- the person has had no fever for 5 days; and
- it has been 14 days since the person first developed symptoms.

### **4. How to organise homeworking for the long term**

Employers must ensure that employees have a safe workspace and safe equipment when homeworking. Steps should be put in place to ensure that there is adequate support, management and supervision of employees. Employers can pay an allowance to employees of up to EUR 3.20 per day towards expenses such as light, heat and broadband costs without any deductions for tax or social security. If the employer doesn't pay an allowance, employees can make a claim for tax relief at the end of the year for a percentage of their expenses.

Employees should work from home where it is possible to do so during the COVID-19 pandemic. This may be a long-term arrangement depending on when things improve.

Employees will not acquire a contractual right to work from home where the only reason for working from home is to comply with the government guidance. If and when this guidance changes, employees can request a right to work from home and employers must consider each request fairly.

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# Israel

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

Israel has just announced a new national lockdown, see, below.

- From mid-April 2020, the Israeli government began implementing an exit strategy, following an extended period of full and partial lockdown. A number of important restrictions remained in force, including:
- mandatory quarantine based on (among other things) a confirmed COVID-19 diagnosis, exposure to a confirmed patient, international travel, or physical symptoms;
- school closures or delayed openings in areas with high new infection rates ('red areas');
- limits on gatherings and occupancy (no more than 20 people indoors or 30 outdoors and, for public or commercial spaces, no more than one person per 7m<sup>2</sup>);
- two-metre social distancing;
- Mandatory face mask use outside the home (with some exceptions: for example, children under seven are not required to wear a mask);
- occupancy limits for private and public transportation;
- industry-specific restrictions (such as occupancy and distancing rules for restaurants) and complete closure for some businesses (including event halls, bars and clubs, and water parks); and
- workplace restrictions.

Entry to Israel by individuals who are neither citizens nor residents of Israel remains restricted and subject to ministerial approval, although the government has approved a list of 'green countries' from which travellers can enter Israel without mandatory quarantine.

This list is not comprehensive; more information about applicable restrictions is provided on the Israeli Health Ministry's [website](#). Although reopening started in April 2020, it has been gradual, and, based on infection rates, the government has periodically reinstated certain restrictions. We expect the government will continue to reduce restrictions gradually, subject to infection data (which is currently rising).

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

Due to rising infection rates, recently, the Israeli government began categorising cities using a colour designation based on infection data (red, yellow, orange, green). Each colour designation has different restrictions, which apply to those living in that city or area. Individuals residing in 'red' classified cities are subject to overnight curfew conditions from 19:00 until 5:00 the following day.

However, since infection rates continue to increase, the Israeli government has ordered that a full lockdown be reinstated for a period of three weeks. The

lockdown is (currently) scheduled to begin on Friday 18 September 2020 at 14:00 and last until 11 October 2020 (covering the Jewish high-holiday season and subject to an evaluation that will be held prior to its expiry). The lockdown is intended to be followed by a gradual loosening of restrictions.

According to current publications (which have yet to be enacted in binding regulations) during the lockdown, schools will be closed, however, workplaces that do not admit the public, and workplaces defined as essential workplaces, may continue to work as usual. The Government will deliberate as to whether to place restrictions on physical attendance in workplaces, in the public and private sector. The lockdown will include a general restriction on travel, confined to 500 metres from each individual's home other than for essential services, and there will be a limitation on gatherings, of up to ten individuals indoors, and up to 20 individuals outdoors.

### *Government support*

To date, the Israeli government has offered multiple rounds of grants to businesses, salaried business owners, and self-employed workers to mitigate the impacts of the COVID-19 crisis. In addition, the Knesset passed the Employment Encouragement Grant Law, which provides cash grants to incentivise employers to keep and/or reinstate employees on payroll. The government

has also expanded the eligibility conditions for individuals to receive unemployment benefits. For up-to-date information on these and other programmes, please visit [here](#) and consult with your legal advisor or tax expert.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

As a general rule (and assuming the employer complies with applicable regulations), an employer can require an employee to return to work at the office. However, if, the employer determines an employee can perform his or her work from home, the employer must, to the extent possible, make arrangements to permit this, subject to work needs. An employer cannot allow an employee who is subject to mandatory home quarantine or any employee who has a fever (38°C) to attend the workplace.

#### ***Setting up the workplace***

Under the regulations, employers may not allow gatherings exceeding 20 people indoors or 30 outdoors unless the meeting is work-related, and the participants can comply with other workplace restrictions (e.g. social distancing). However, up to 50 people may participate in a professional meeting under certain conditions (see below). An employer with more than ten employees that intends to have

employees physically present at the workplace (regardless of how many) must meet the following conditions:

- The employer must appoint a Coronavirus Affairs Officer who will be responsible for enforcing the relevant regulatory requirements.
- The CEO and the Coronavirus Affairs Officer must sign a statement in the form described in the appendix to the regulations. This obligation does not apply to a workplace that was open to employees before the new regulations came into force (on 11 August 2020).
- The employer must notify employees about the mandatory rules in the workplace (see below) by placing a sign in a prominent location.
- An employer operating a workplace must ensure compliance with the following rules, to the extent possible:
  - Maintain social distancing of two metres between individuals, as much as possible.
  - Assign each employee set personal equipment (e.g., keyboard, mouse, landline phone, etc.). Where this is not possible, carefully disinfect equipment before transferring it from one employee to another.
  - Where employees operate on shifts, maintain the same group of employees together on a shift, to the extent possible.
  - Arrange for non-invasive temperature monitoring and prohibit anyone with a

body temperature of 38°C or above from entering the workplace.

- In an office setting, to the extent possible, each employee should sit in a fixed work-location. In any room, employees must be two metres apart, unless a partition exists to prevent transmission of airborne particles. Up to 50 people may participate in a professional meeting (including individuals who do not work at the office), provided that the employer or Coronavirus Affairs Officer has determined the meeting could not be held virtually; that participants maintain two-metre social distancing or that there are partitions; and no food is served.
- A distance of 2 metres between individuals in the same room (absent a partition) must be maintained. Enterprises providing essential services and employers operating in an industry or field of activity listed in the Second Appendix to the regulations (including financial institutions, energy, water, food and beverage, agriculture, toiletries, cleaning and cosmetics, and communications) are excluded, aside from government entities.
- To the extent possible, each employee must eat or drink in his or her regular work-location.
- If the employer determines an employee can perform his or her work from home, the employer must arrange for a format to permit work-from-home, subject to work needs.

- If the workplace has an elevator, there must be a sign stating it can only be used up to half of the usual occupancy limit (based on manufacturer specifications).
- Employers must instruct employees to observe proper hygiene standards, including handwashing.

*Face masks:* Employers should instruct employees about the obligation to wear face masks. This applies in the workplace except in the following circumstances: the employee works in a room alone or with one other designated individual who is at least two metres distant; the employee occupies a part of a building that has a partition, at least two metres high, separating him/her from other individuals in the building; or when the employee works in a booth, in an open space area, there is a partition, at least 1.2-meters high, separating the employee and other individuals (provided the person without the mask is seated).

#### ***Vulnerable employees***

There are no specific obligations in relation to vulnerable employees, however, an employer must make necessary accommodations for an employee with a disability (which may include many of the underlying health conditions that make one more vulnerable to the COVID-19 virus), unless a particular accommodation would create an excessively heavy burden on the employer.

#### ***Suspected cases***

An employer cannot allow an employee who is subject to mandatory home quarantine to attend the workplace; this is also true of any employee who has a fever (above 38°C). Generally speaking, if an employer suspects that an employee has COVID-19, it should send the employee home and, depending on the circumstances, consider taking steps to isolate and disinfect the employee's work areas, in coordination with the Ministry of Health instructions and while safeguarding the employees' right to privacy.

If the employee is not subject to mandatory quarantine, the employer may need to pay the employee for that time, even if he/she cannot work remotely, depending on the specific circumstances. In addition, in making a decision to send someone home or instruct someone to remain home based on suspected infection, the employer must be cognisant of its non-discrimination obligations. Practically, in most cases where an employer might reasonably suspect an employee been infected with COVID-19 (e.g. close contact with a confirmed patient, fever, etc.), the employee will be subject to mandatory home quarantine and prohibited from attending the workplace.

#### ***Official notification***

There is no notice requirement on the employer, other than as may be instructed by the Ministry of Health.

***Communicating with your workforce***

Where an employee is (or may be) infected by COVID-19, an employer should follow the Ministry of Health instructions for notifying coworkers and other individuals. In general, given its duty of care in employment relations, the employer may take a targeted approach to revealing this information, disclosing it only to individuals with whom the employee was likely in close contact and revealing only as much information as is necessary to inform them about potential exposure. Only in cases in which this type of targeted disclosure is not feasible might broader disclosure be permissible. In any case, the employer should attempt to obtain the impacted employee's consent to the disclosure.

#### ***Return to work after recovery***

An infected employee can only return to work after he or she is no longer subject to mandatory quarantine, in line with applicable regulations and the current Public Health Order.

#### **4. How to organise homeworking for the long term**

There are no major legal restrictions on remote work. Prior to the COVID-19

## Contact our specialists in Israel



Orly Gerbi  
Israel  
Herzog Fox & Neeman  
[gerbi@hfn.co.il](mailto:gerbi@hfn.co.il)



Liat Shaked-Katz  
Israel  
Herzog Fox & Neeman  
[shaked@hfn.co.il](mailto:shaked@hfn.co.il)

crisis, remote work was not necessarily the norm for Israeli employers, and, because remote working arrangements were less common in Israel until recently, the courts and the legislature have not focused much attention on its employment law implications. That leaves employers with flexibility on issues such as whether to reimburse a remote worker's internet usage; however, it is possible that these issues will receive more attention going forward.

There is no specific legal obligation for an employer to reimburse an employee for (or contribute towards) the costs of working remotely (e.g. internet connection), although some employers have elected to do so. The employer must track and monitor employees' working time remotely and should have the necessary infrastructure (timekeeping apps, etc.) to do this. Travel expenses (mandatory payment, to reimburse employees for travel to and from the workplace) do not need to be paid when the employee works from home (unless otherwise contractually agreed).

The Ministry of Labor's non-binding guidance on remote work provides recommendations about what a remote work policy should address (in the Ministry's view). They include the following:

- The employer should clarify what locations are suitable and not suitable for work and ensure the employee

has the means and equipment to work.

- The employer should not discriminate in terms of providing employees the opportunity to work remotely. In addition, the employer should not discriminate between employees who work from the office and employees who work remotely in terms of opportunities for training, seminars and personal and social development, including trainings designated especially for remote working.
- The parties should define, in advance and in writing, the parameters of the employee's remote work (such as working hours expectations).
- Remote work should be on a voluntary basis, if feasible, and either party should be able to switch back to working from the office.
- The parties should define, in advance, the employee's availability and the means for reporting his or her working hours. If the employer intends to monitor the employee's working hours by means other than a time-clock system, those methods should be proportionate and in compliance with privacy laws. In any event, the employer should inform the employee about the monitoring and obtain the employee's consent.
- As a general rule, remote work should not change the parties' substantive rights and obligations towards one another. Any change requires the consent of both parties, preferably in writing.

Employees can request long-term homeworking based on coronavirus concerns, but an employer is not required to grant this request, except as a necessary accommodation related to an employee's disability. Having said that, under the current regulations, in relation to employers with more than ten employees where some employees work onsite, if, in the employer's determination, an employee can perform his or her work from home, the employer must, to the extent possible, arrange for a format to permit such work-from-home.

Given the present circumstances and the widespread understanding that current remote work is a specific response to the COVID-19 crisis, employees are unlikely to acquire a right to work from home based on doing so in the current crisis.

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# Italy

Last updated:  
9/9/2020

## 1. Restrictions on national daily life

From mid-May, Italy started the reopening phase with a gradual return to working activities. Employers must follow the provisions of the public and health authorities to ensure reopening takes place in complete safety.

All companies were allowed to get back to business following the health and safety rules issued by each region with some exceptions (i.e. sport events, nightclubs, entertainment events). On 7 September 2020, a new Decree confirmed and renewed, up to 30 September 2020, the previous health and safety measures ordering masks to be worn in closed spaces and in open spaces when the one-metre distance rule cannot be ensured. Nightclubs and stadiums are not allowed to open.

A specific simplified procedure for homeworking is currently in place until 15 October which does not require a signed agreement between the parties, but only that a communication be sent to the Ministry of Labour. Smart working is recommended by the Government.

Schools and universities should be reopening by mid-September with some restrictions (masks, staggered entrance/exit, social distancing, and respect for the rules in 3, below)

During the summer, the increasing number of infections into Italian tourist resorts persuaded the Government to

close nightclubs and to order anyone entering the country from particular countries (Spain, Greece, Malta, Croatia) to take coronavirus tests.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

At the time of writing, there are no plans for new restrictions nor has the Government considered it yet. It is difficult to say how any new restrictions that might be imposed would affect businesses; this will depend on the characteristics of the restrictions and the intensity of the lockdown.

### *Government support*

At the time of writing there are no lockdowns in place, but the Government is still offering support (wage supplementation fund and exemption to the payment of social security contributions) to all businesses that suffered or are still suffering from the economic crisis due to COVID-19.

## 3. How to keep workers safe in the office

### *Back in the office*

If an employee has no COVID-19 symptoms and is not part of a 'vulnerable group' s/he cannot refuse to come back to work in the office (though office conditions must of course comply with all

health and safety rules). Any refusal to come back to work in the office may be subject to disciplinary actions from the employer.

### *Setting up the workplace*

Employers should reorganise the workplace and working activities to comply with the required social distancing and hygiene measures. In particular:

- Prevent entrance to the workplace for anyone with symptoms or a temperature above 37.5°C.
- Provide hand sanitisers through dispensers located around the workplace.
- Keep employees informed about procedures, health and safety measures and your flexible working and leave policies.
- All employees sharing the same spaces in the workplace must use masks and all necessary individual protection measures.
- Organise staggered entrances and exits to the workplace.
- Enforce fixed quotas of people in work spaces.
- Use rotation and shifts to reduce gatherings.
- Impose a limit on time permitted in common areas.

- Meetings between colleagues are only allowed in urgent cases and following strict protocols.
- No training is allowed other than via distance learning.
- If an employee in the contractor workforce tests positive, the contracting company must immediately give notice to the client to collaborate with the public authorities to implement any instructions given.
- The client must inform the contractor about security protocols adopted in the workplace and monitor employees' (and even third parties') compliance with these.
- Companies may organise private buses or alternative transfer measures order to help employees in need of public transport (to be avoided when possible).
- Set up an internal committee with unions and health and safety representatives to monitor the application of the measures adopted.

### ***Vulnerable employees***

Some categories of employee (e.g. disabled individuals or people who are particularly weak or vulnerable due to previous certified sicknesses) have the right to work from home when possible and are subject to exceptional health surveillance by the Company's doctor and employer, meaning

that specific health and safety measures should be taken to protect them.

### ***Suspected cases***

If an employee shows symptoms at work, the employer must isolate him or her. As a precaution, all staff who had close contact with him or her (i.e. physical contact or presence for more than 15 minutes in the same place at less than two metres' distance) can be put on home leave for 14 days. Call the public emergency numbers, ask for assistance and wait for instructions. Monitor the situation with the Health and Safety company doctor and wait for coronavirus test results. The employee will be on sick leave if certified. In critical regions and in companies where employees test positive for coronavirus, employers must put in place more rigorous specific sanitisation of the workplace (according to the Minister of Health message 5443 of 22 February).

Monitoring by the Labour Inspector will be rigorous and regular. Failure to apply these measures will entail financial sanctions up to suspension of activity for violations. The Government and labour authorities have made it clear that employees who have contracted the virus in the workplace will be considered absent because of a workplace 'accident' and not because of 'illness', meaning the employer is responsible for

demonstrating that all appropriate preventive measures were in place.

You can require an employee you suspect is infected not to come to work, but s/he has the right to continue receiving his/her normal pay.

### ***Official notification***

Public authorities will inform the employer through an INPS (national social welfare institution) declaration of their duty to notify the infection and the absence from work for a certain defined time. Privacy on the infected person's identity must always be respected.

### ***Communicating with your workforce***

Following public authorities' and the company doctor's instructions, the employer must identify the list of the infected employee's close contacts in the workplace and require them to self-isolate.

The employer should communicate to the workforce, in cooperation with the company doctor, that an infection has been identified in the workplace and that all the employees that may have been infected should be put in home isolation for 14 days. Privacy on the infected person's identity must always be respected.

## Contact our specialists in Italy



Lea Rossi  
**Italy**  
Toffoletto De Luca Tamajo e  
Soci  
[slr@toffolettodeluca.it](mailto:slr@toffolettodeluca.it)



Aldo Bottini  
**Italy**  
Toffoletto De Luca Tamajo e  
Soci  
[sab@toffolettodeluca.it](mailto:sab@toffolettodeluca.it)

### ***Returning to work after recovery***

After two negative COVID-19 test results, the employee is considered COVID-free, receives a medical certification to prove it and may return to work. On the employee's return to work, s/he must show the medical certificate to the Company's doctor and will need to undergo a medical visit to check his/her fitness come back to work.

### **4. How to organise homeworking for the long term**

Between March and 15 October 2020, the Government instructed companies to use a simplified form of smart working which does not need any individual agreement between employer and employee, only a simple communication to the employee and to the Ministry of Labour. The employee should be instructed about health and safety rules on smart working and be given with the INAIL note on the prevention of risks. After 15 October, if no extension is made, all employees willing to continue to work remotely will need to sign an individual agreement with the Company.

Until 15 October it will be up to the employer to decide who and when employees may work remotely (according to general COVID health and safety rules). After that date, all employees willing to continue should sign an individual agreement with the Company. Employees who are part of 'vulnerable' groups' have the right to work remotely.

Employees will not acquire a right to work at home merely based on the fact that they have done so for a certain time in the context of the coronavirus crisis.

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# Kazakhstan

Last updated:  
7/9/2020

## **1. Restrictions on national daily life**

It is currently still prohibited to conduct any national or private events with mass gatherings of people (e.g. weddings and birthdays).

Employers are recommended to maintain a remote work regime for at least 80% of employees.

Key restrictive measures remain in effect on weekends and holidays, because there is the risk of mass gatherings. Shopping and recreation centres, non-food and grocery covered markets, beauty salons, health and fitness centers, amusement parks and religious facilities must suspend their activities on these days.

Educational facilities are working both remotely and in person, depending on specialties (universities, colleges) and the wishes of parents (schools). Kindergartens now have special duty groups of no more than 15 children each. Everyone must strictly comply with a robust sanitary and disinfecting regime (wearing masks and gloves, temperature monitoring, use of disinfectants, etc.) and social distancing requirements. Restrictive measures were gradually removed in Kazakhstan after the repeated quarantine (5 July – 17 August) and only the restrictions above now apply.

Business entities can resume their activities if they comply with sanitary rules

and after notifying the state commission. A prior readiness inspection with visits from the state commission members is required for certain types of activities (major trading organisations).

## **2. Local lockdowns and new national lockdowns**

### ***New lockdown***

Quarantine was announced for the second time in Kazakhstan from 5 July until 17 August. Activities of trading companies (except for groceries) and companies in the entertainment and services sphere were completely suspended. All employers were recommended to organise remote work.

### ***Government support***

To support business, the state is maintaining its programme of tax advantages and credits with reduced rates.

## **3. How to keep workers safe in the office**

### ***Back to the office***

An employer can require an employee to come back to work if the place of work specified in an employment contract is the employer's office and the employer's activities are permitted and carried out in accordance with sanitary requirements.

## ***Setting up the workplace***

The sanitary norms provide for individual requirements for certain types of activities, which become stricter, depending on the risk of employees contracting COVID-19. There are requirements with which employers must comply and employees must also wear masks, use sanitisers and comply with social distancing requirements.

### ***Vulnerable groups***

There are no separate rules for vulnerable employees. According to the general rules, individuals older than 65 are not recommended to go outside unless there is an urgent need to do so.

### ***Suspected cases***

If an employee is suspected to be infected, s/he must be isolated in home quarantine, and stays isolated until s/he has received a negative COVID-19 test result.

### ***Official notification***

No official form of notice is stipulated; but employers should apply to a medical organisation (hospital, doctor) or to the sanitary and epidemiological control authority.

Contact our specialists  
in Kazakhstan



Yuliya G. Chumachenko  
**Kazakhstan**  
Aequitas Law Firm  
[Y.Chumachenko@aequitas.kz](mailto:Y.Chumachenko@aequitas.kz)



Anton Alexeyev  
**Kazakhstan**  
Aequitas Law Firm  
[a.alexeyev@aequitas.kz](mailto:a.alexeyev@aequitas.kz)

***Communicating to the workforce***

Employers can communicate information about infection within the organisation as long as they ensure the personal data of the infected employee is kept

***Return to work after recovery***

An employee can be having a 'closed' medical sick leave certificate from a medical organisation, which confirms that the employee is completely recovered. If an employee has any symptoms of COVID-19, the employer may send him/her for a medical examination. If the employee is admitted to work based on these medical examination results, the employer has no right to interfere with the employee's performance of his/her employment duties.

**4. How to organise homeworking for the long term**

In order to organise homeworking, Kazakhstan law provides a remote work regime. Neither an employee, nor an employer can compel the other to start remote working. Transition to the remote work regime is reached by way of a bilateral agreement executed as a supplementary agreement to an employment contract. The rights and obligations of the parties are similar to those under the normal on-site working regime, however, with certain specific differences.

The employer must provide the employee with communication facilities and bear the expenses associated with the installation and maintenance of these facilities. In the event the employee uses his/her own communication facilities on a permanent basis, the employer must reimburse the employee for these costs: the amount and payment procedure should be agreed between the parties. If so, the employee can be compensated for expenses associated with working from home (e.g. electricity, water and other costs).

If the employer's activities are permitted and carried out in strict compliance with the sanitary rules, an employee does not have the right to continue to work remotely. However, it can be allowed if the parties agree to it.

Employees are unlikely to acquire the right to work at home if they have done it for a certain time, as this is something that can only be agreed with the employer.

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# Latvia

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

The following restrictions are currently in place:

*Culture, entertainment, leisure, public catering, gatherings*

No more than 1000 people may gather at an organised indoor event (regardless of premises size) and an area of 3m<sup>2</sup> must be provided per person. No more than 3000 people may gather at an organised outdoor event.

Indoor events for up to 1000 may be organised, subject to physical distancing, safety measures, and the rules set by the organiser. For cultural events where visitors sit in personalised, fixed seats, a distance of 1 m should be provided between the seats. Outdoor events for up to 3000 may be organised, subject to physical distancing and epidemiological safety measures. Outdoor drive-in cinemas and concerts, during which visitors stay in their cars may be organised (regardless of the number of participants). Open air cinemas must stop working no later than 02:00.

Entertainment, cultural, sports, public catering, and other recreational places can open from 06:00 to 02:00, except for nightclubs, discos, etc., which may be open from 06.00 to 24:00.

No more than eight individuals can share the same table indoors unless they are members of the same household.

## *Events at work*

Employee gatherings for reasons other than performing their duties (after working hours, during breaks, in the rest rooms, canteen, etc.) are restricted.

## *Travel*

The movement of people and vehicles through airport, port, railway and road border crossing points at the EU's external border is banned from 10 June 2020. Latvian nationals and permanent residents can return to Latvia through the above-mentioned border crossing points. Latvian nationals who permanently reside abroad are allowed to cross borders with non-EU states only once in order to return to their country of residence. Foreign nationals are permitted to travel out of Latvia.

Travellers who have arrived from the countries where the cumulative index exceeds 16 (14-day cumulative COVID-19 cases per 100,000 inhabitants), must self-isolate for 14 days upon arrival in Latvia. The list of countries and recommendations for travellers is available [here](#). The updated list is published every Friday.

From 10 June 2020, direct flights to/from countries whose cumulative index exceeds 25 have been cancelled. Following the latest amendments, direct flights to these countries will resume on 7 September 2020

The state of emergency declared in Latvia on 12 March 2020 ended at midnight on 9 June 2020. Since 10 June 2020 Cabinet of Ministers has gradually reduced certain COVID-19 restrictions. Some restrictions are still in place, see above.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

In the event of an increase in the number of COVID-19 cases in Latvia, stricter restrictions may be imposed.

### *Government support*

The law provides a number of support measures for businesses:

- Applying by 30 December 2020, businesses affected by the crisis will be able to receive an extension of the deadline for the payment of taxes or a division of taxes into several payment periods for up to three years. The taxpayer must submit a substantiated application regarding the need to split payment or extend its deadline within 15 days after the payment deadline. No arrears will be calculated for this overdue tax payment, while information about the company will not be included in the database of tax debtors administered by the tax authority.

- The cancellation of 2020 advance payments of personal income tax remains in force. In addition, corporate income taxpayers who have made donations retain the opportunity to make donations in 2020 to help overcome and prevent the consequences of COVID-19 without being subject to corporate income tax.
- The three-month extension of the submission deadline of the 2019 annual financial statement (where applicable) is maintained.
- Until the end of 2020, the tax authority will continue to ensure the refunding of the approved overpaid value added tax (VAT) amount on a shorter term than provided by the current VAT law. This will increase businesses financial resources for overcoming the consequences of the COVID-19 crisis.
- The tax authority is not obliged to adopt negative decisions on participants in the enhanced cooperation program until 2023 if the participant is affected by the COVID-19 crisis.
- Businesses can apply to the ALTUM finance institution for current asset loans; bank loan holidays and support for exporters.
- Municipalities will have the right to postpone real estate tax payments in 2020.
- Banks have developed various solutions for determining bank loan

- holidays, deferring capital payments, and temporarily postponing other liabilities.
- Companies in the tourism sector that meet the criteria stated in the regulations will be able to receive support of 30% of the mandatory state social insurance contributions made in 2019. The maximum support for one company or group of companies is EUR 800,000. Applications for receiving support should be submitted by 30 September 2020.
- Export companies that meet the criteria in the regulations will be able to receive support of 25% of the mandatory state social insurance contributions made in 2019. The maximum support for one company or group of companies is EUR 800,000. Applications for receiving support should be submitted by 30 September 2020.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

Generally, employees cannot refuse to come back to work unless there are clear indications that the working environment is not safe. Disciplinary measures could be applied to employees who refuse to return to work.

#### ***Setting up the workplace***

There are no special regulations in place for employers who are restarting operations apart from the general obligation to ensure social distancing of two metres, where possible. Employers can introduce various measures at their own discretion, such as mask wearing.

In light of the current circumstances, employers would be entitled to introduce temperature monitoring procedures in the workplace. A general obligation on all employees to provide a negative coronavirus test would be considered as excessive.

#### ***Vulnerable employees***

Employers are liable for ensuring a safe working environment for all employees, so if there are any vulnerable population groups, adequate safety measures should be ensured, but the law does not mandate specific measures).

The general rule is that a pregnant woman can consult a doctor, who after assessing the pregnant woman's health, may order sick leave or issue a statement prohibiting the pregnant woman's employment.

## Contact our specialist in Latvia



Toms Sulmanis  
Latvia  
COBALT  
[toms.sulmanis@cobalt.legal](mailto:toms.sulmanis@cobalt.legal)



Alina Ustinova  
Latvia  
COBALT  
[alina.ustinova@cobalt.legal](mailto:alina.ustinova@cobalt.legal)

### **Suspected cases**

The general rule is that the employer is liable for ensuring a safe working environment for employees. Employers are entitled to send an employee for COVID-19 test in the event of suspicion he/she may be infected and require the employee not to come to work until he/she gets the test result. An employee must inform the employer about contracting COVID-19 or being in contact with a person who has contracted it.

Likewise, an employer has the right to ask for this information. In the event of a suspected case of COVID-19 in the workplace the employee should leave the work premises immediately. If this is not possible, he/she must self-isolate in a separate room from other employees until it is possible to leave. The employee should contact his/her family doctor. The emergency medical services may be called if necessary.

Rooms, surfaces and common areas should be disinfected, paying particular attention to the rooms in which the employee was present. Employers must take measures to ensure occupational health and safety of employees and clients, not allowing anyone who tested positive for COVID-19 come or stay in workplace premises. COVID-19 patients are issued sick leave certificates until their recovery.

### **Official notification**

There is no obligation on the employer to report to public health authorities, as data on positive COVID-19 cases is automatically transferred to the Centre for Disease Prevention and Control. Upon request, employers should provide the Centre for Disease Prevention and Control with extensive and accurate information about employees, customers and other possible contacts.

### **Communicating with your workforce**

The employer must inform other employees who were in contact with a person that has tested positive for COVID-19 of that fact on a no-name basis and arrange a test for them.

### **Return to work after recovery**

If the infected employee has not had symptoms of COVID-19, he/she can stop strict isolation and return to work after receipt of a doctor's statement on the seventh day after the onset of the disease. However, if the individual had symptoms of COVID-19, they can receive a doctor's statement of fitness to work on the 14<sup>th</sup> day, if at least 3 days have passed since symptoms disappeared.

At the same time, to reduce any risks, medical personnel, employees of social care centres, and employees of educational institutions who work in direct contact with other people will not be able to return to work for a longer period. If

they had no symptoms of COVID-19, they can be certified fit to work from the 14<sup>th</sup> day, but if they had symptoms, they cannot return to work earlier than after 21 days, and only if at least 3 days have passed since symptoms disappeared. Until then the employee remains on sick leave.

### **4. How to organise homeworking for the long term**

Employer should compensate the costs related to remote work if the employee experiences additional costs related to his/her work, including the acquisition, installation and use of work equipment. However, the amount of compensation and the terms and conditions for payment, as well as other rights and obligations of employee and employer should be determined by agreement between the parties.

Employees have the right to refuse to return to the workplace and request long-term homeworking only if there is a risk to their safety and health.

Remote work in the private sector is only recommended. Provided that all safety measures in the workplace are ensured, the employer can request employees to return to the workplace.

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# Luxembourg

Last updated:  
9/9/2020

## 1. Restrictions on national daily life

On 15 April 2020, the Luxembourg Government announced a gradual exit from lockdown. Phased reopening of businesses started on 20 April and continued on 24 April, 4 May, 11 May, 10 June and 25 June. All commercial activities and in the service, craft and cultural sector have reopened.

The Government is applying large-scale screening based on a voluntary diagnostic test accessible to the population.

Any gathering of more than ten people is subject to the following conditions:

- Individuals must be assigned seats, observing a minimum distance of two metres;
- If the distance of two metres between seats cannot be respected, it is mandatory to wear a mask.
- Masks must also be worn at all times by supervising staff and by participants when not seated.

These obligations do not apply to participants in religious, cultural and sporting activities in the exercise of these activities, or to individuals participating in school and extra-curricular activities. The obligation to keep a physical distance and wear a mask does not apply to minors aged under six or to individuals who are members of the same household or who cohabit. The obligation to provide assigned seating does not apply to the

exercise of individuals' freedom to demonstrate, or to funerals, or to fairs, markets and salons where the public circulates.

Wearing of masks remains compulsory on public transport and for activities that are open to the public and that take place in enclosed spaces. This obligation does not apply to minors under six or to individuals with disabilities with a medical certificate and who implement other measures to prevent the spread of the virus. The national police enforce and monitor these rules. Fines still apply for non-compliance with the remaining restrictions, in particular the two-metre distance and mask wearing.

Gatherings of more than ten people in private homes or for private events are prohibited.

Restaurants, bars, restaurants in accommodation establishments, establishments that serve food, canteens and any other establishments that occasionally serve food are subject to compliance with the following conditions, both inside the establishments and in outdoor seating areas:

- Customers must be seated.
- Each table can only hold a maximum of ten people, unless they are from the same household.
- Tables that are side by side are at least 1.5 metres apart or, if less, will be separated by a barrier or provides physical separation to limit the risk of

infection. These measures do not apply to tables that are not side by side.

- Wearing a face mask is mandatory for customers when they are not sitting at their table.
- Staff who come into direct contact with customers must wear masks.
- Customers must consume their food and drink at a table. Take-away, drive-through and home delivery services are excluded from this obligation.
- Establishments must close at midnight at the latest, without exemptions.

Breaches of the above by traders, artisans, managers or anyone else responsible for activities in the Horeca sector (Hôtel–Restaurant–Café) are liable to an official fine of up to EUR 4,000. From 25 July, if there is subsequent breach after a sanction that has acquired the authority of a final decision, the total fine is doubled, and the company in question's business permit may be suspended for three months. In addition, a company that has been sanctioned for a repeat offence is not eligible for the financial aid introduced for businesses within the context of the COVID-19 pandemic.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

A second lockdown is not currently planned in Luxembourg. No local or new lockdown is currently applied or planned in Luxembourg. Companies in vulnerable sectors (Horeca, tourism and events) continue to be particularly affected by the COVID-19 pandemic, even after the exit of the lockdown. A new lockdown could lead to many closures and layoffs.

### *Government support*

The Government is supporting companies affected by the crisis through various aids, in particular:

- Short-time working has been adjusted to benefit, under certain conditions, to companies in the Horeca, tourism and event sectors (companies in vulnerable sectors) as well as companies affected by the crisis until 31 December 2020.
- State aid is also provided for companies in vulnerable sectors, on condition of not making economic redundancies, or to resort to it only to a limited extent.
- Increased flexibility in payment of social security contributions (self-employed, very small enterprises, SMEs and large enterprises) extended until 31 December 2020.

## 3. How to keep workers safe in the office

### *Back in the office*

An employee cannot refuse to come back to work if you took the appropriate measures to protect the health and safety of employees, set out below.

### *Setting up the workplace*

You must take measures to protect employees' health and safety and improve conditions to tackle the epidemic:

- Avoid coronavirus-related risks to employees' health and safety, and assess any risks that cannot be avoided. Based on these assessments, determine what measures you can take to reduce risk to employees.
- Inform and train employees, in collaboration with staff representatives, about health and safety risks, precautions, protective equipment and clothing, and hygiene. Signs must be posted, pointing out risks and preventive measures during the epidemic.
- Workstations and other areas in which employees work should be arranged, cleaned and disinfected to minimise risk, and protective equipment must be provided to ensure the protection of employees.
- Employees must be provided with appropriate bathroom facilities, with

access to running water, soap, and disposable paper towels, or disinfectants.

- Ensure that employees respect appropriate physical distances; or failing this, ensure that employees wear masks or other face coverings
- if necessary, provide other personal protective equipment.

### *Vulnerable employees*

There are currently no specific rules for vulnerable employees or vulnerable groups. However, according to the health recommendations currently in place, you must especially protect vulnerable people (i.e. people over 65 years of age or those who already suffer from a disease, namely diabetes, cardiovascular disease, chronic respiratory diseases, cancer, immune weakness due to disease or therapy, massive obesity) within the company, in particular by keeping them as far away as possible from other employees. It is recommended that you invite these individuals to contact their doctor, to establish a solution that best protects their health.

To this end, a vulnerability certificate may be drawn up by the employee's doctor. This does not constitute a certificate of incapacity for work but is given to you and to the occupational health

practitioner, so that you will adjust the work of the employee concerned (staggered working hours, work station without exposure to the public, special norms, etc.) or remove him/her latter work to preserve his/her health and safety.

### **Suspected cases**

According to Government recommendations, in the event of a suspected coronavirus case in the workplace:

- The employee must remain at home. In case of persistence of symptoms, he/she should consult a doctor (phone or video) or go to the nearest Advanced Care Centre.
- The employer must follow the Health Directorate's recommended isolation protocol before reintegrating an employee who presents an infection risk in the workplace.
- if an employee begins to experience symptoms in the workplace, the employer must have a procedure for isolating him/her in a room, or require him/her to wear a surgical until evacuated from the workplace.
- Individuals who have been in high-risk contact with a person who has tested positive for COVID-19 will be contacted by the Health Directorate.

Since you have a legal obligation to ensure safety and health to your employees, it is recommended you also

implement precautionary measures such as informing employees there is a potential case of COVID-19 (see below) and reminding employees of their obligation to immediately inform the employer or the health and security delegate in the event of immediate and serious danger to health and security.

The CNPD (Luxembourg data protection authority) recommends employers raise awareness and invite their employees to provide individual feedback to the employer or competent health authorities regarding possible exposure. They should facilitate transmission of information by setting up, if necessary, dedicated channels to guarantee data security and confidentiality, promote remote working and encourage recourse to occupational medicine.

Employers should refrain from collecting information on possible symptoms experienced by employees in a systematic and generalised manner, or through individual inquiries and requests. Employers cannot compile files about their employees' body temperatures, or about certain pathologies (comorbidities) that might constitute aggravating factors in the event of a COVID-19 infection. Neither is it up to them to carry out their own investigation or implement contact tracing measures.

You may require an employee suspected of infection not to come to work. Nevertheless, it would be advisable to propose the employee teleworks, or invite

the employee to contact a doctor without delay. You cannot suspend the employee's remuneration or require him/her to take leave in order to stay at home, since it is your decision not to allow him/her to come to work.

### **Official notification**

There is no requirement for official notification.

### **Communicating with your workforce**

You should communicate infection information to the workforce in compliance with employees' rights to privacy and medical secrecy, in particular without specifying the identity of the infected employee.

### **Return to work after recovery**

An infected worker may return to work after following the isolation protocol recommended by the Health Directorate (14 days after being tested positive at condition that he has been symptom-free for 48 hours). You cannot require an employee to be tested, nor to give a negative test result in order to allow him/her to return to work and to be paid. In any case, an employee should return to work when his/her medical certificate ends.



## Contact our specialists in Luxembourg



Ariane Claverie  
**Luxembourg**  
Castegnaro  
[ariane.claverie@castegnaro.lu](mailto:ariane.claverie@castegnaro.lu)



Thérèse Lallart  
**Luxembourg**  
Castegnaro  
[therese.lallart@castegnaro.lu](mailto:therese.lallart@castegnaro.lu)

### 4. How to organise homeworking for the long term

Remote work is regulated in Luxembourg by a Convention of 21 February 2006 (the 'Telework Convention'). As per this Telework Convention, homeworking for the long term can be implemented by mutual agreement between the employer and the employee.

In this framework, the employee's rights and obligations are the following, in particular:

- The employee receives, in the same way and at the same rate as the other employees of the company, the current information that the employer, or the staff representative, circulates in the company.
- The employee benefits from the same rights and is subject to the same obligations under applicable legislation and collective bargaining agreements as comparable workers on the company's premises.
- The employee must be informed on data protection and, in particular, on any restriction related to the equipment use (internet, email, etc.) and sanctions which apply if any.
- The employee has a right to privacy (access to the employee's premises limited to the place where the work material is located, etc.).
- The employee must be informed on the company's safety and health policy.

The Convention on telework does not specify the reasons for regular homeworking. Regardless of whether an employee's homeworking request is based on coronavirus concerns, the employee must request the employer's agreement to work remotely on a regular basis and conclude a telework agreement.

The employee does not acquire a right to work at home because he/she worked at home for a certain period, in particular during the COVID-19 crisis. At present, there is no 'right to telework' in Luxembourg: regular homeworking can only be implemented voluntarily, if employer and employee have given their consent. Nevertheless, the pandemic has made homeworking one of the main social themes of the post-COVID-19 era. A petition has been filed for a 'right to telework' in Luxembourg law and the issue will be debated in the Chamber of Deputies in the coming months.

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# Mexico

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

On 30 March 2020, the National Health Council issued a resolution declaring the coronavirus epidemic a sanitary emergency due to *force majeure*. As a result, the Ministry of Health initially ordered the immediate suspension from 30 March to 30 April 2020 of all non-essential activities in the public, private and social sectors. On 21 April, the Ministry of Health extended the suspension to 30 May. During the suspension, only essential activities necessary to deal with the sanitary emergency were allowed to keep operating. Isolation has been strictly applied to individuals aged over 60 or with a diagnosis of high blood pressure, diabetes, heart or lung disease, immunosuppression and pregnant women regardless of whether their work activity is considered essential or not. If these individuals are engaged in essential activities that must remain operating, they must be sent home with full payment of salary and benefits.

In addition, state and municipal governments can set restrictions in their regions/municipalities on top of those already imposed by the federal government, mainly related to movement of population. On May 14, the Ministry of Health jointly with the Ministry of Labour, Economy and Social Security issued a strategy for resuming social, academic and economic activities based on a traffic light system as set out below.

From 1 June 2020, social, education and economic activities were set to dependent on the level of risk in each area based on a traffic light system. In red regions, only essential work activities could take place, with schools and public spaces closed. In orange areas, schools are suspended, open public spaces can be used at reduced capacity and indoor public spaces are closed. non-essential businesses are now able to re-open provided that any guidelines issued by the local and federal governments are complied with. In yellow areas schools are closed, open air public spaces are open and indoor ones are subject to restrictions. All economic activities can take place. In green areas there are no restrictions.

Companies classed as 'essential' may continue to operate regardless of the traffic light colour for their region, provided that they have implemented appropriate sanitary measures in the workplace.

As of 30 August, and until at least 13 September, the only state classed as red is the state of Colima. The states of Aguascalientes, Baja California, Baja California Sur, Mexico city, Coahuila, Durango, State of Mexico, Guanajuato, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa and Yucatán are orange.

Currently, the states of Campeche, Chiapas, Chihuahua, Guerrero, Oaxaca,

Sonora, Tabasco, Tamaulipas, Tlaxcala and Veracruz are yellow, with the next review set to take place on 13 September 2020.

## 2. Local lockdowns and new national lockdowns

### ***New lockdowns***

National or local lockdowns have not been announced nor are expected. There is no certainty as to what would be involved if lockdown is re-imposed as there is no legal guidance available. If this happened, new guidelines would have to be issued by the Ministry of Health to set new rules and restrictions for the re-imposition of lockdown, which will likely include closure of certain businesses depending on the facts that trigger the new lockdown order.

### ***Government support***

As of today, the Government has not announced any financial aid to support employers and no support is expected if businesses are subject to a new lockdown order. Of course, this may change depending on the situation but no sign of it as of today.

### 3. How to keep workers safe in the office

#### ***Back in the office***

Employees working in essential businesses or those now open under the epidemiologic traffic light system must return to work and the employer must observe certain sanitary measures to keep employees safe, including having a sanitary protocol in place. This means that employees of business that are allowed to open are legally bound to return to their activities and can be forced to come back to work, unless any of these employees is considered amongst vulnerable population. Given that employees are legally bound to return to work, any employee with more than three unjustified absences or who do not comply with the sanitary measures in place may be subject to disciplinary actions which could lead to termination for cause.

#### ***Setting up the workplace***

Businesses allowed to reopen must follow the following sanitary measures:

- Enforce social distancing of at least 1.5 m (6 ft).
- Implement staggered work schedules to avoid overcrowding spaces.
- Monitor use of face masks to all employees, and protective glasses or face shields for employees with direct contact with clients or the public in general, entrance controls with

temperature checks, among others. Employer must provide all required protective equipment.

- Make available soap and water and 70% alcohol-based gel.
- Instruct employees to cough or sneeze using a disposable tissue or in the inside of their elbow, as well as to avoid spitting and if necessary, use a disposable tissue, put it in a plastic bag, tie it and throw it away and then wash their hands.
- Clean and disinfect surfaces and objects in the workplace including company transportation, 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.
- For companies with activities in Mexico City with 100 or more employees, COVID-19 tests must be administered every week to at least 3% of the total headcount working at the facility. Please note this only applies to Mexico City.

#### ***Vulnerable employees***

Vulnerable employees cannot be required to return to the workplace during a red, orange or yellow classification. These employees can be required to work from home if their activities allow it. Vulnerable employees are considered those aged over 60 or with a diagnosis of high blood pressure, diabetes, heart or lung disease, immunosuppressive illnesses such as HIV or cancer, and pregnant / lactating

women regardless of whether their work activity is considered essential or not.

#### ***Suspected cases***

In the context of the COVID-19 pandemic and in accordance with the regulations of Social Security Law, when an employee is diagnosed as having symptoms of COVID-19 by a hospital or medical institution affiliated with the Mexican Institute of Social Security (IMSS), she/he must answer a questionnaire and if the result qualifies her/him as a probable COVID-19 case, the institution will prescribe a COVID-19 test. If the test result is positive, a relative of the employee can deliver that information to the IMSS Clinic which will issue a sick leave certificate of disability. For more detail on the sick leave procedure, see [here](#).

It is important to consider that employers are legally allowed to ask employees to undergo any medical examinations to determine whether they have been infected with COVID-19 and employees are legally obliged to undergo these examinations. Refusal may be construed as a ground for dismissal. Employees can certainly be asked at any time whether they have recently travelled to a high-risk area or whether they have been in contact with an infected

## Contact our specialist in Mexico



Álvaro Schiaffino González  
**Mexico**  
Basham, Ringe y Correa  
[agonzalez@basham.com.mx](mailto:agonzalez@basham.com.mx)

person. Employers can prevent an employee they suspect of being infected from attending work, but must continue to pay him/her in full until COVID-19 infection is confirmed by IMSS.

### ***Communicating with your workforce***

There is no legal obligation to inform employees about infections in the workplace. This can be done at the employer's discretion, but it has not been common practice to do so or to disclose the name of the infected employee to the workforce.

### ***Return to work after recovery***

The employee must return to work once the period set out in his/her sick leave certificate is completed.

### **4. How to organise homeworking for the long term**

Home office is provided for generally in Mexican Federal Labor Law which means that remote work is legally feasible. It is common practice for employment contracts to include a section in which the employee undertakes to provide the services in the business location of the employer or in the place or places designed by the latter. Homeworking can be agreed in the employment contract, or a separate agreement setting out homeworking conditions can be concluded.

Home-based employees have the same rights and obligations as employees in the workplace, including the right to be registered in social security (which includes medical coverage). Considering that face-to-face monitoring is not possible, clear guidelines must be established for the implementation of a home-based arrangement, including the fact that employee must be available and in constant communication during working hours with the employer (through the technological and communication means available).

The employer must provide the necessary work tools and elements for employees to perform their activities outside the workplace and if necessary, to cover expenses that may be incurred such as internet access and mobile coverage.

All terms and conditions of the remote working arrangement must be clearly established in writing and the following must be considered:

- If the arrangement will be temporary this must be clearly stated, more so if it is derived from the COVID-19 sanitary emergency.
- Indicate that it is not a vacation period, leave or rest period, unless agreed otherwise.
- State that the work schedule will be self-administered by the employee, which means that the works hours must be strictly complied with.

- Include an obligation to continue to carry out activities with the same quality, intensity and efficiency.
- Establish mechanisms so that employees are available during the workday and also in extraordinary circumstances, in the workplace, if necessary.

Employees can request long-term homeworking based on coronavirus concerns, but employers are not legally bound to accommodate the request based on a mere concern.

It is not likely that employees will acquire a right to work from home by doing so for a certain time. However, to prevent any confusion and if employers wish to prevent employees acquiring any kind of right to work from home, this arrangement must be very clear and employers are encouraged to consider establishing a home office policy which covers the points above, including but not limited to offering a temporary allowance to pay for internet services and utilities in general.

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# Netherlands

Last updated:  
9/9/2020

## 1. Restrictions on national daily life

There is no lockdown in the Netherlands currently. Everything except for night clubs has re-opened. People must keep at least 1.5 metres distance from others. Private gatherings at home of more than six people are not allowed. Public gatherings inside and outside require that each participant makes a reservation and undergoes a health check (usually in the form of a symptom questionnaire). If these measures are observed, there is no occupancy limit. If no reservations are made and/or no health checks are performed, public gatherings inside are limited to 100 people and public gatherings outside are limited to 250 people.

Restaurants and bars, however, always require a reservation, health check and fixed seating. Nightclubs remain closed. People are still encouraged to work from home as much as possible and to avoid crowded areas. People showing symptoms of a cold or flu, such as sneezing, sore throat or fever, are encouraged to be tested for coronavirus.

They are asked to quarantine until they receive the results of the test. Shops and supermarkets are open without a limit on occupancy; however they are obliged to ensure that their shops are not crowded and that 1.5-metre distance is maintained

between customers and shop employees.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

There have been no indications of a reimposition of lockdown in the Netherlands.

### *Government support*

The Dutch government supports all employers affected by the coronavirus. This is not related to any lockdown restrictions.

## 3. How to keep workers safe in the office

### *Back in the office*

In principle, employers can require their employee to return to the office. Employees do not acquire an entitlement to work from home if they do so for a certain duration. The coronavirus also does not give employees the right to work from home. However, the Dutch government does strongly encourage everyone to work from home as much as possible in order to combat the coronavirus.

Additionally, employers have a duty of care towards their employees. Employers

must guarantee a safe working environment where employees' health and safety is not at risk. By forcing employees to work in the office, employers are at risk of violating their duty of care. This could potentially lead to liability of the employer for all damages incurred by the employees who are infected with coronavirus. This is therefore not only a risk for the employee's health and safety, but also a big liability and thus financial risk (also over the years to come) for employers and may easily be prevented by allowing the employees to work from home, at least partially.

It is now common in the Netherlands that employers draft a schedule where only a certain percentage of all employees work at the office simultaneously. The percentage of employees able to work in the office at the same time is determined by taking all measures required to allow everyone in the office to observe all rules and guidelines, such as maintaining 1.5 metres distance at all times, and seeing how many people can be in the office while observing all safety measures.

### *Setting up the workplace*

The instruction and strong advice remain that people should work from home if and when possible. Where this is not possible, employers reopening must do so observing their statutory general duty of care, which means you

must ensure employees have a safe and healthy (work) environment. In addition, the RIVM (the Dutch National Institute for Public Health and the Environment) provides general advice regarding safety and hygiene. You should obtain sufficient information from the RIVM and act accordingly. This includes giving proper instructions on regularly washing hands, coughing or sneezing into the elbow, only using paper towels etc. If an employee feels unwell, you should instruct him or her to stay at home and work remotely if possible. The use of an (unofficial) face mask is not mandatory (for non-medical professions) and it is for the employer to decide if this is to be worn at work.

Most importantly a policy must be implemented to secure the social distancing is observed by employees toward their colleagues and customers. Employers must enable employees to work at least 1.5 metres apart. If this is not reasonably possible, other protective measures such as the installation of acrylic glass walls/panels should be taken.

Depending on the type of business, other measures may be required, such as:

- limiting business trips;
- Providing employees with up-to-date information on the governmental measures and how these are implemented;
- providing sufficient hygiene products and, if necessary, protective products;

- making sure that frequently touched objects and surfaces are cleaned sufficiently;
- assessing whether certain (groups of) employees have a higher risk of contamination and taking additional measures, if necessary;
- ensuring employees follow the instructions and act on it if they do not.

Employers as well as unions are preparing coronavirus protocols on a sector level. We strongly recommend you include coronavirus protocols in the RI&E risk assessment and evaluation that all employers are obliged to have in place, or, where applicable, in health and safety documentation and that these are submitted to the Labour Inspection for approval. You should verify whether a coronavirus protocol is in place in your industry: if so, this needs to be observed.

### ***Vulnerable employees***

There are no specific rules or obligations on employers relating to vulnerable employees.

### ***Suspected cases***

If an employee is infected by the coronavirus, s/he must be sent home immediately. Everyone in the Netherlands is encouraged to take a corona test if they have any symptoms. Until they receive the results of the test, they must quarantine. For the rest, normal sickness

rules apply, such as involving the company doctor.

If a suspicion arises that an employee has been infected with the coronavirus, you are not allowed to (medically) test an employee. However, as part of your duty of care, you may refuse them entry to the office in order to guarantee a safe and healthy working environment for all other employees.

### ***Official notification***

If an employee is infected by the coronavirus, this will be determined by the municipal health service (GGD). They will then inform anyone who has been in contact with that person. The employee must inform the employer themselves in order to report sick. No other official notification is required.

### ***Communicating with your workforce***

As employer you must inform the other employees about measures taken with regard to infected employees (on a no-name basis). All employees who have been in direct contact with infected employees during the incubation period, should be sent home to work remotely, provided their home office meets the health and safety requirements. If an adequate home office is not available, you could be forced to send the employee home without any obligation to

## Contact our specialists in Netherlands



Jasper Pot  
**Netherlands**  
Bronsgest Deur Advocaten  
[j.pot@bd-advocaten.nl](mailto:j.pot@bd-advocaten.nl)



Philip Nabben  
**Netherlands**  
Bronsgest Deur Advocaten  
[p.nabben@bd-advocaten.nl](mailto:p.nabben@bd-advocaten.nl)

work, for example for the quarantine period, currently set at ten days.

### ***Return to work after recovery***

An infected employee can only return to work when they are no longer experiencing any symptoms and they have received a negative COVID-19 test result. Additionally, employees must follow all instructions and guidelines imposed by the GGD.

### **4. How to organise homeworking for the long term**

You have the same obligations towards an employee working from home as you do for employees working in the office. That means that you have to guarantee a safe and healthy working environment for employees working from home. This entails having a health and safety inspector visit the employee's home office to verify whether it meets the standards of the Working Conditions Act. If it does not, you may be required to pay for any adjustments necessary for the employee to work safely from home, for example if a new desk and/or office chair is required.

Employees can request long-term homeworking regardless of the coronavirus; however employers are not obliged to grant this request. Employers do, however, have a duty to seriously consider such requests. If an employer has taken all necessary measures to ensure the safety of employee in the office, however, employees will not be

entitled to work from home long term if the employer does not grant permission.

It does not seem likely employees will acquire the right to work at home if they have done it for a certain time. There has been a recent ruling in a case where an employee asked for the right to permanently work from home, while the employer asked the employee to return to the office. The employer won this case, because the court found that employers cannot be forced to allow employees to work from home long term. It seems likely that even though an employee may have worked from home continuously for several months due to corona, the employee will not be able to acquire the right to work from home.

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# New Zealand

Last updated:  
11/9/2020

## 1. Restrictions on national daily life

The New Zealand Government has implemented a four-level COVID-19 Alert System, which specifies the public health and social measures required at four Alert Levels, such as escalating restrictions on human contact, travel and business operations.

On 11 August 2020, New Zealand reported its first COVID-19 cases outside of border quarantine facilities for more than 100 days. The Auckland region, where the cases of this new outbreak arose, was swiftly moved from Alert Level 1 (no restrictions except border closure) into Alert Level 3 lockdown and the rest of the country was put into Alert Level 2. At 23:59 Sunday 30 August 2020, the Auckland region moved to Alert Level 2.

Currently (as at 7 September 2020), Alert Level 2 is in force nationwide with additional restrictions on the size of gatherings in the Auckland region. These settings will remain in place at least until 16 September 2020.

Alert Level 2 means businesses can open but must have in place a variety of health measures such as physical distancing, contact tracing mechanisms and, in the hospitality industry, follow particular rules around service. Schools are open. Travel within New Zealand is unrestricted. New Zealanders are encouraged to maintain

Physical distancing stay home if unwell and maintain good hygiene practices.

The Government has signalled it will move up and down Alert Levels as required. The situation is constantly evolving and rule changes can be implemented at short notice so employers must keep up to date with the [advice issued by the Government](#).

New Zealand's Government will review current restrictions on 14 September 2020.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Under the regional lockdown in Auckland from 12-30 August 2020, businesses that required close physical contact (such as retail) were not able to operate. Businesses were not allowed to have customers on their premises (with the exception of certain businesses providing essential grocery and medical supplies).

Individuals could generally not leave the Auckland region or enter it without specific reason.

### *Government support*

As a result of the August lockdown, the Government introduced a two-

week 'Resurgence Wage Subsidy' scheme.

## 3. How to keep workers safe in the office

### *Back in the office*

Subject to contractual provisions and agreed flexible working arrangements to the contrary, employees can generally be required to come back to work where it is safe for them to do so. However, where an employee raises concerns about returning to work, employers should seek specific advice about their rights and obligations.

### *Setting up the workplace*

Employers in New Zealand have an existing and continuing duty to ensure, so far as reasonably practicable, the health and safety of employees. Employers must ensure all appropriate hygiene and safety measures are in place, such as social distancing, requiring strict personal hygiene practices, frequent cleaning and appropriate personal protection equipment.

Businesses must self-assess their ability to keep workers safe and prevent the spread of coronavirus. Businesses should have a coronavirus safety plan setting out how they will operate safely. Specific additional rules apply to businesses in certain industries and businesses should



also follow any specific industry guidance available.

All businesses must display a QR code to enable visitors to 'sign-in' using the Government's contact tracing app and a separate alternative register.

At Alert Level 2, face coverings are mandatory on public transport and aircraft, and are recommended where individuals cannot physically distance from people they do not know.

#### ***Vulnerable employees***

There are no separate rules for particular groups of workers. However, employers have a duty to ensure the health and safety of workers so far as reasonably practicable and may need to implement additional measures to ensure this duty is met in respect of certain vulnerable groups.

#### ***Suspected cases***

There is no official procedure. In this situation, employers must be mindful of their duty to ensure a safe and healthy workplace. Employees also have a duty to take reasonable care that their acts or omissions do not adversely affect the health and safety of others in the workplace.

The Government advises individuals to stay home if they are sick and to contact their medical practitioner or the Ministry of Health's telephone helpline, Healthline,

to seek advice on whether to obtain a COVID-19 test.

Where an employer suspects that an employee is infected, it will need ensure it meets its health and safety obligations to other employees. After consultation with the employee concerned, it may be possible to require the employee to remain away in certain circumstances.

#### ***Official notification***

Employers should seek specific advice about whether a case of COVID-19 in its workforce constitutes a 'notifiable illnesses under the Health and Safety at Work Act 2015.

#### ***Communicating with your workforce***

Information should be communicated swiftly to those potentially affected so that they may take appropriate action, but employers must also ensure that privacy and confidentiality are maintained.

#### ***Return to work after recovery***

Generally, individuals who return a positive COVID-19 test are required to enter a Government quarantine facility. The date of release from that facility is determined by health officials.

However, employers should consult quarantined employees about the possibility of remote working.

## **4. How to organise homeworking for the long term**

Employers have a duty to ensure a safe and healthy workplace so far as reasonably practicable. Employees must also take reasonable care for their own health and safety at work. Where an employee is working from home, their home is their workplace and these duties will apply.

Employers also need to be aware of their duties under the Accident Compensation Act 2001 and should seek specific advice as to whether an injury suffered by an employee working from home constitutes a 'work-related personal injury' for the purposes of that Act.

Employers should consult with employees to ensure that expectations around supervision, monitoring and communication are well understood.

Employers should assess existing contractual obligations and policy requirements around reimbursement of expenses and consider whether any variation is required. Employers may agree to reimburse certain expenses incurred by employees while working from home.

Employees in New Zealand may make a request for flexible working arrangements, including long-term homeworking. The Employment Relations Act 2000 sets out the process for making such a request and the bases on which

**Contact our specialist in  
New Zealand**



Peter Kiely  
**New Zealand**  
Kiely Thompson Caisley  
[kiely@ktc.co.nz](mailto:kiely@ktc.co.nz)

employers may refuse to grant an employee's request.

Alternatively, parties in an employment relationship may agree homeworking arrangements.

Where employees continue to work at home, over time it is possible that a right to do so may become an implied term of their employment agreement.

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# Peru

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

The government has closed all schools, bars, stadiums, gyms, pools, recreational centres, and nightclubs, among other businesses in Peru due to the coronavirus. It has declared a State of National Emergency up to 30 September 2020, and imposed quarantine in some cities.

The government has restricted road travel 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 22:00 to 04:00 (in some departments, from 20:00 until 04:00), 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 during this time, provided they carry their personal work pass, press credentials and their National Identity Document for identification purposes. The authorisation also extends to mobile units that transport journalists to fulfil their professional functions. Those who require urgent medical attention are also allowed to move. Acquisition of

medicines is also allowed, without restrictions. All court processes have been suspended.

Anyone not complying with these instructions will be liable for an administrative fine from PEN 86 to 430. As a general rule, employees should not go to their normal workplaces to work unless they perform essential functions, such as food provision and telecommunications maintenance. Instead, employees should work remotely if it is possible.

The government has indicated that companies will return to work gradually in four phases. This began in May; currently we are in the third phase, the last phase will be approved on October.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

On all Sundays until the end of September, the only activities allowed are those of strictly necessary personnel who participate in the provision of food supply services, health, medicine, financial services, restaurant service for home delivery (delivery), continuity of water services, sanitation, electricity, gas, fuels, telecommunications and related activities, cleaning and collection of solid waste, funeral services, freight and merchandise transport and related activities, activities related to the resumption of economic activities and transport of cash and

valuables (as stipulated by the Ministry of Transport and Communications). During this period, pharmacies and drugstores are allowed to provide care. The exemptions to the curfew for medical treatment and for journalists described above, apply.

### *Government support*

The government has indicated that companies can apply for a loan through the 'Reactiva Perú' programme if they need it and also can request authorisation from the prefect to suspend employees.

## 3. How to keep workers safe in the office

### *Back in the office*

Employers can require employees to return to on-site work, but only if the company is allowed to operate because it provides essential services or was included in one of the reopening phases. This only applies if the company has a prevention plan for COVID-19 in place and if the job position must be performed in the office. Continuation of remote work is recommended, if it is possible.

### **Setting up the workplace**

Employers must create a plan to guarantee the safety and health at work of employees.

Prior to the start of daily work, the workplace including environment, furniture, equipment, tools, stationery, among others must be cleaned and disinfected. Security and protection measures for cleaning personnel must be implemented, and disinfectants appropriate for the characteristics of the workplace and the type of activity carried out made available.

Identify the risk of exposure to coronavirus of each job, in accordance with article 6.1.24 of the Guidelines, referred in Ministerial Resolution N° 448-2020-MINSA. The categories are:

- Very high-exposure risk jobs are those with high potential for exposure or direct contact to known or suspected sources of COVID-19 during specific medical, post-mortem, or laboratory procedures.
- High-exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19.
- Medium-exposure risk jobs include those that require frequent and/or close contact (i.e. within one metre) with people who may be infected with COVID-19, but are not known or suspected of carrying COVID-19.

- The lowest exposure risk (precautionary) jobs are those that do not require contact with people known or suspected to be infected with COVID-19, which do not involve frequent close contact (i.e., within one metre) of the general public. Workers in this category have minimal work contact with the public and other coworkers.

Complete a coronavirus symptom sheet for each worker and conduct temperature checks on entering the workplace.

Require a coronavirus test for employees who rejoin Very High- and High-Risk jobs and identify actions to be taken when a suspected case is identified in Low and Medium Risk workers.

Mandatory hand washing and disinfection: the employer must ensure the appropriate number and location of hand washing points or alcohol gel dispenser, for free use. One of these points must be located at the entrance to the workplace for washing and disinfection prior to the start of work activities.

Implement collective preventive measures: such as adequate ventilation of the working environment, cyclical renewal of the volume of air, mandatory one-metre distance between employees, cleaning and disinfection of footwear before entering common areas of the workplace, among others. In camps, a

1.5-metre distance between beds must be maintained.

Employers must ensure the availability of personal protective equipment and implement measures for its correct and mandatory use.

Surveillance of employee health in the context of the coronavirus national health emergency: including body temperature checks at the start and end of the workday, coronavirus testing for workers who register body temperature over 38°C.

### **Vulnerable employees**

Employers must adopt measures for the reinstatement of workers with risk factors (over 65 years, heart problems, high pressure, weight problems, among others). High-risk employees must remain in quarantine until 7 December 2020; if the company wants the employee to return to work before that time, this must be authorised by the occupational doctor and there must be a signed agreement between the employee, occupational doctor and employer.

### **Suspected cases**

The following measures must be taken:

- refer the employee to a health facility for appropriate treatment;
- ensure evaluation by the person in charge of health at work to identify potential contacts;
- communicate with the health authority to follow up on any cases;
- provide material and information on preventing COVID-19 infection and hygiene measures and care that should be taken at home;
- put any worker with a suspected or confirmed case on medical leave during the required isolation time.

For suspected cases, discharge occurs 14 days after the onset of symptoms and in close contacts, discharge occurs 14 days from the first day of contact with the confirmed case.

#### ***Official notification***

Employers must notify SUNAFIL (the Labour Authority) and the Health Authority in the event of a case of coronavirus infection in the workplace.

#### ***Communicating with your workforce***

The main information measures are as follows:

- Provide information and training on COVID-19 prevention and protection including social distancing, use of masks and hand hygiene.
- 

- The use of masks is mandatory during the working day. The type of mask or respiratory protector depends on the risk level of the job, in accordance with current regulations.
- Raise awareness of the importance of early reporting of symptoms of COVID-19.
- Provide means to respond to workers' concerns regarding COVID-19.
- Permanently educate employees in preventive measures to avoid infection in the workplace, the community and at home.
- Educate employees on the importance of avoiding stigmatisation and discrimination in relation to COVID-19.

#### ***Return to work after recovery***

For an asymptomatic patient with a confirmed COVID-19 diagnosis, epidemiological discharge will be given seven days after a serological laboratory test that confirmed the diagnosis, without the need to repeat the test. For asymptomatic patients with a confirmed COVID-19 diagnosis, epidemiological discharge will be given 14 days after the positive swab test, without the need to repeat the test.

For patients with a confirmed COVID-19 diagnosis who present symptoms, discharge will be given 14 days after the onset of symptoms. Note that this period

can be extended according to the criteria of the treating physician. The patient must be asymptomatic for at least three days.

In the case of moderate or severe patients (hospitalised), with a confirmed COVID-19 diagnosis, discharge will be established by the treating physician. The employee's reinstatement is carried out according to the evaluation of health and safety at work conducted according to current regulations.

#### **4. How to organise homeworking for the long term**

The nature of the employment relationship, remuneration and other conditions must not be affected unless these are linked to assistance provided to the employee. Employees have the right to be informed of the company's decision to apply remote work and of the measures, conditions and recommendations for safety and health at work. Employers must assign tasks to employees and implement monitoring.

Employers must provide facilities for access to platforms that allow work and must train employee in the use of systems if they are different from the ones used previously.

Employees must:

- comply with the rules on information security, protection and confidentiality of data; as well as keeping

## Contact our specialists in Peru



José Antonio Valdez  
**Peru**  
Estudio Olaechea  
[joseantoniovaldez@esola.com.pe](mailto:joseantoniovaldez@esola.com.pe)



Juan Carlos Valera  
**Peru**  
Estudio Olaechea  
[juancarlosvalera@esola.com.pe](mailto:juancarlosvalera@esola.com.pe)

confidentiality on information provided by the worker;

- comply with the safety and health measures at work communicated by the employer;
- be available during the working day;
- fulfill instructions given within the working day;
- participate in any training programmes the employer indicates they should follow;
- inform the employer of any flaws in remote work, to promote continuity;
- not delegate any functions without authorisation.

Employees can request long-term homeworking because of coronavirus concerns, but whether this is permitted will depend on the employer's requirement and the kind of labour performed. Employees will not acquire the right to work from home based on doing so during the COVID-19 crisis because in this specific case they are doing so because of the application of a regulation stating that employers can change the place in which employees work for the duration of the official health emergency (7 December 2020) to prevent the spread of COVID-19.

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# Poland

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

Schools in Poland are open, however social distancing of 1.5-metres is required. In some schools there is a hybrid system (combining remote and on-site lessons) or groups of students start lessons at different times. 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 (in relation to a child younger than eight years old): in this case absence will be justified and partially paid by the state. This allowance has been extended for the period in which schools, nurseries or kindergartens are closed, but only until 20 September. After this, employees may file for the 'normal' childcare allowance for up to 60 days.

You can require employees to work remotely. During quarantine, employees can work from home. Where remote work is not possible, you may also decide to close the workplace or grant the employee unused vacation leave from previous years.

Government-implemented restrictions include an obligation to cover mouth and nose using a mask, protective helmet or other face covering, in particular on public transport, in shops, gas stations, other places accessible to the public or in workplaces and public buildings. This does not apply to individuals carrying out professional, business or commercial activities in workplaces and public

buildings unless they are providing direct service to customers or clients.

Employers must provide gloves or disinfection as well as social distancing of 1.5 metres between workstations. There is also a requirement to wear gloves or to sanitise hands in shops, markets or gas stations.

The organisation of gatherings is prohibited (unless there is a special allowance or decision, but the maximum number of people is 150, a social distance of 1.5 metres must be maintained and attendees must cover nose and mouth).

When walking, a 1.5-metre distance between people must be maintained (except for children under 13, care of the disabled and members of the same household). There are restrictions on catering and drinks service on premises in restaurants; the organisation, promotion or management of events (congresses, conferences, meetings); cinemas, theatres and casinos; beauty salons, hairdressers, tattoo parlours, gyms, fitness clubs and other similar activities. Masks or face coverings must be used and 1.5-metre social distancing maintained in these venues. In cinemas, theatres and at events in buildings only every other seat can be used.

People must cover mouths and noses during travel and only 50% of spaces can be used. There are restrictions on travelling abroad. Railway traffic abroad

is not operating, and planes from some listed countries cannot land in Poland.

There are also some areas in Poland ('voivodeships' or districts), which are designated red or yellow zones, where additional restrictions have been introduced, because of the high level of COVID-19 infections. Organising events, congresses or meetings in red zones is forbidden.

Hotels have reopened, but with restrictions on the maximum number of guests (only twice the number of the rooms) and on restaurant or bar services (social distancing measures). Libraries, archives and museums have reopened. Shopping centres have reopened subject to the following restrictions: customers must wear disposable gloves (individuals who cannot put on or take off gloves due to a physical or mental health condition or disability are exempt) and face coverings or masks; shops must disinfect cash desks and provide hand sanitiser, a minimum 1.5-metre distance must be respected.

## **2. Local lockdowns and new national lockdowns**

### ***New lockdown***

In the event of a reimposition of lockdown, restrictions may include closing schools, restaurants, cinemas, hairdressers, gyms, other service points, public institutions or means of transport, as well as strict rules on (or even prohibition of) movement. A further lockdown may cause a difficult situation for the economy: entrepreneurs may not have adequate financial resources for salaries, taxes and fees or even to run their businesses in the future. Contracts may be terminated, and unemployment may increase.

### ***Government support***

The government is already offering support to businesses that are in a difficult economic situation. This includes financial assistance or loans on very favourable conditions, as well as exemptions from paying public contributions.

## **3. How to keep workers safe in the office**

### ***Back in the office***

You can request employees work from the office and if all relevant health and safety measures have been implemented in the workplace, employees cannot refuse to do so. An unjustified refusal can

be a reason for termination of employment.

### ***Setting up the workplace***

You should provide employees with proper personal protective equipment (disposable gloves or hand sanitiser). You should also promote regular and thorough hand washing in the workplace and provide instructions on what to do if someone shows signs of coronavirus infection. You must also ensure a distance between employees' workstations of at least 1.5 metres, unless this is not possible due to the nature of the activity carried out.

The National Labour Inspectorate has published some guidelines for employers (in Polish). Useful general information can be also found on General Sanitary Inspection website.

### ***Vulnerable employees***

There are no separate rules for vulnerable employees or vulnerable groups.

### ***Suspected cases***

There is no official procedure for dealing with suspected cases of coronavirus in the workplace, however the authorities have announced some recommended actions if there is a suspected case. The employer must request the suspected employee to inform the Sanitary and Epidemiological Station about his/her coronavirus symptoms. The Station then

decides on further steps; usually they decide to quarantine the employee. If the employee declines to inform the Station, the employer is permitted to do so. The employer may also request the potentially infected employee or other employees who had contacts with him/her to work from home. The workplace should be disinfected, and the employer must inform the office building manager that there is a suspected coronavirus case.

### ***Official notification***

The employer must inform the nearest department of the Sanitary and Epidemiological Station if there is a suspected case of coronavirus in the workplace. There are special phone numbers and helplines.

### ***Communicating to the workforce***

There is no official procedure for communicating infection information to the workforce. The employer is free to decide how to do so. In each case, the employer should ensure that GDPR provisions are followed which means that personal data of the employee who is suspected of having coronavirus should not be revealed to the whole workforce.

### ***Return to work after recovery***

An infected worker can return to work after recovery or after ten days of quarantine. If the employee's absence due to the illness lasts longer than 30 days, the must undertake a medical



## Contact our specialist in Poland



Edyta Jagiełło  
**Poland**  
Raczkowski  
[edyta.jagiello@raczkowski.eu](mailto:edyta.jagiello@raczkowski.eu)



Natalia Basista  
**Poland**  
Raczkowski  
[natalia.basista@raczkowski.eu](mailto:natalia.basista@raczkowski.eu)

examination to establish whether he/she is fit for work. According to the National Labour Inspectorate, employers are not authorised to independently assess the health of the employee. Not allowing an employee to work, due to potential coronavirus infection may expose the employer to charges of harassment or bullying. However, the employer can require the employee to work remotely for a specified period.

#### 4. How to organise homeworking for the long term

Employees enjoy the same rights or obligations as they normally would. No special obligations or rights have been imposed or awarded. In particular, the issue of employees' expenditure on utilities has not yet been regulated by law.

Employees can request to work from home or remotely long term. However, the employer is not bound by the employee's request.

The issue of working from home is a matter of 'organisation of work' and this can be unilaterally decided by employers. It is not an employment-related right that can be acquired by employees based on the fact that they may have worked from home for a certain period.

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# Portugal

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

Portugal is currently under what is known as the 'state of alert', with the exception of the Lisbon area (in a state of contingency) until 14 September 2020. This could be extended or altered in view of the evolution of the epidemiological situation. There is a mandatory quarantine obligation on coronavirus patients and anyone infected with COVID-19.

Social distancing should be observed in any case and the maximum capacity of public transport and theatres and cinemas, for example, is reduced. Face masks or visors are mandatory when accessing or working in commercial or services spaces, in customer service spaces or buildings, at schools and in public transportation.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

There is no current local or new national lockdown in force or planned.

### *Government support*

Several measures have been approved by the government and are currently in force aiming at supporting individuals and companies, notably legal regime that applies to the gradual activity relaunch benefit for companies in a crisis situation, which replaced the simplified lay-off

regime, and which applies until the end of December 2020. Should new lockdowns be imposed, it is likely that further supporting measures be approved.

## 3. How to keep workers safe in the office

### *Back in the office*

With exception of the situations where remote work should be implemented (please see below), employees must come back to work. Failure to comply with this obligation may constitute unjustified absence and the employee may be subject to disciplinary action.

### *Setting up the workplace*

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).

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).

### *Vulnerable employees*

Immuno-suppressed employees, employees suffering from chronic conditions and disabled employees (with more than 60% of disability) are entitled to work remotely if the nature of the tasks performed is compatible with this type of work. In addition, remote work is mandatory when the premises and the working organisation do not meet the recommendations enacted by the Health and Labour Inspection Authorities, if and when the nature of the tasks performed are compatible with this type of work.

### *Suspected cases*

If your business is open or will be permitted to reopen, you should create contingency plans addressing the potential effect of an infected employee on the organisation, how to deal with a possible infection case and what to do if

## Contact our specialist in Portugal



Inês Reis  
**Portugal**  
pbbbr  
[ines.reis@pbbbr.pt](mailto:ines.reis@pbbbr.pt)

there is an infected person in the organisation. Share these plans with employees and provide them with relevant emergency contacts.

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.

Since May 2020, Portuguese law expressly foresees the possibility of body temperature monitoring being carried out directly by employers. Monitoring of employees' body temperature can be carried out by employers, for the purpose of allowing access and presence in the workplace, and access to company's premises can be denied to employees with a temperature higher than normal.

Given the seriousness of the situation, asking employees if they are infected 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. In view of the above, our advice in the event

of a suspicion of infection is to allow employees to come to work, immediately put them into isolation and adopt the procedures in the contingency plan.

### **Official notification**

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 confirms the infection, the Health Authority will inform you.

### **Communicating with your workforce**

The employer should inform the remaining workforce of the confirmation of the infection and the fact that the Health Authority is involved, notably for the purposes of monitoring employees that were exposed to the virus.

### **Return to work after recovery**

An infected employee can return to work after obtaining a medical certificate of ability to work. The employee should provide the employer with this information prior to restarting work, without prejudice to the other measures mentioned above relating to monitoring employees' health.

## **4. How to organise homeworking for the long term**

The employer is bound to ensure that the employee is able to perform his/her tasks in good conditions, notably in terms of safety and health. The employer is bound to respect the employee's privacy. The Portuguese Data Protection Authority (CNPD) has issued guidelines on the rules regarding remote monitoring of employees on homeworking, and on the possibility of companies directly monitoring employees' health data and risk behaviours.

Regarding homeworking, the CNPD has clarified that it is not lawful to use remote surveillance, notably software, to monitor and record employee performance, working hours, inactivity time, visited web pages, the real time location of a terminal or the usage of peripheral devices (i.e. mouse and keyboard), among others.

If employees are not part of the risk groups described above, homeworking will always be subject to agreement between employer and employee. It is unlikely that employees could acquire a right to work from home based on having done so for a certain time, since this is an extraordinary situation.

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# Romania

Last updated:  
9/9/2020

## 1. Restrictions on national daily life

Romania is currently in a prolonged state of alert until 14 September 2020.

Activities taking place indoors, such as cinemas, film production, audiovisual activities and other cultural and artistic events, as well as service and consumption of food indoors and alcoholic or non-alcoholic beverages in restaurants, hotels, cafes etc. have recently been reopened. These decisions mainly depend on the cumulative incidence of COVID-19 cases per 1,000 citizens and also subject to local authority decisions, in certain circumstances.

Schools in Romania will restart in-person teaching, subject to a series of conditions and protection measures, depending on the evolution of COVID-19 cases and on the decisions of authorities. Subject to certain conditions (for example, given that the other parent does not benefit from days off), parents can take days off to supervise their children where schooling is suspended resulting from epidemiological investigations. They receive an allowance of 75% of base salary for a working day, currently capped at RON 5,429, settled from the state budget.

The number of individuals that may participate in events (including workshops and training courses) is limited to a maximum of 100 outdoors and a maximum of 50 indoors.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Depending on the cumulative incidence of COVID-19 cases per 1,000 citizens, the authorities may decide to suspend the outdoor activities that have just been restarted, described above. Restrictions may be total (e.g. the ban on indoor cinemas that was in force until recently) or partial (e.g. for restaurants, where outdoor spaces could continue to operate).

### *Government support*

Government support for technical unemployment currently applies only for activities suspended officially because of an official decision. Other types of state support apply to the establishment of a flexible working schedule, under certain conditions (kurzarbeit) or for occasional workers and seasonal workers, for a limited time period.

## 3. How to keep workers safe in the office

### *Back in the office*

Employees cannot be forced to return to work. In any case, if the authorities have not imposed restrictions or suspensions on the employer's activity and, at the same time, the employees in question are neither suspected to be infected, or quarantined or infected with COVID-19

and there is no other justification for their absence from work, then they are obliged, under the employment contract, to work. In the event of an unmotivated absence from work, the employment contract may be suspended.

On the other hand, employees can refuse to come to work when their health is under a significant risk (i.e. risk of infection and no remedy measures taken by the employer). This means it is important not only to adopt, but also communicate to employees the preventive measures taken to protect employees' health.

### *Setting up the workplace*

During the state of alert, employers must observe a full set of measures that are imposed through multiple pieces of legislation. They include the following:

- To provide new health and safety training (adapted to COVID-19 related risks) for all employees that were not physically present at work during state of emergency period.
- To inform employees about the general protective measures to be observed to mitigate the risks of COVID-19 infection.
- To provide disinfectant dispensers at the entrance in the

workplace, as well as in each sector of the workplace. According to a ministerial order, employers may also provide protective equipment (such as masks, the use of which is mandatory in the workplace or gloves), depending on the specifics of the activity.

- 
- To perform the epidemiological triage of employees (observation of symptoms and temperature check) and not to allow employees with a temperature over 37.3°C and/or who have respiratory symptoms to enter/remain in the workplace.
- 
- To comply with the limitations imposed upon the number of participants in certain events and activities (e.g. training, workshops etc.).

### ***Vulnerable employees***

Based on the risk evaluation performed, the occupational doctor can introduce special derogations or particular protective measures for risk groups (e.g. when the person suffers from an illness affecting his/her oxygenation capacity), and will inform the employer of any special measures that need to be implemented for employees in these categories.

### ***Suspected cases***

Employers have the obligation to prohibit employees with COVID-19 symptoms from entering or remaining in the work

place, based on epidemiological triage (without recording any personal data) consisting mainly of observation of symptoms and a temperature check. Employers should direct employees with specific symptoms to their family physician for a consultation and notify the authorities, see below.

If the employer is aware an employee has symptoms, then the employer must prevent him/her from entering the workplace and direct him/her to the family doctor or the responsible authorities for a diagnosis. If employees show symptoms before arriving at work, they must not come to work on that day, notify the employer by remote means and contact their family doctor or the competent authorities in order to obtain a diagnosis.

### ***Official notification***

Although there is no official notification obligation expressly required by law, in compliance with its general obligations in the field of health and safety at the workplace and employees' health supervision, in addition to the labour authorities' recommendations, employers must notify the local public health authority or call a dedicated number (0800.800.358) if there are COVID-19 cases at the workplace. If neither of these options is successful, call the emergency number (112).

### ***Communicating with your workforce***

From an employment perspective, it is expressly provided in the legislation on the current state of alert that employers must comply with their epidemiological triage and temperature check obligations without any personal data processing.

The employer must take appropriate measures to protect and not communicate the personal data of the employees who are confirmed as symptomatic or suffering from COVID-19. From a general health and safety perspective, however, employers have an obligation to inform employees regarding anything that involves a risk to their health and safety, as well as protection and prevention measures taken at unit level in order to eliminate these risks. In particular (according to legislation applicable during the current state of alert), if there are confirmed/suspected COVID-19 cases among employees, the employer must inform the people with whom the suspected/confirmed employee was in prolonged contact (more than 20 minutes and at a distance of less than 1.5 m, without wearing a mask) and require these individuals to isolate at home for 14 days. It is also possible that the competent authorities from the Direction of Public Health perform this task, as they conduct epidemiological investigations in units where employees are confirmed as suffering from COVID-19.

Employees are obliged to notify the employer immediately if they show, at the beginning or during the working hours, symptoms of COVID-19 virus infection. Although the law does not impose a particular way of ensuring compliance with these obligations, the employer could issue a plan/instruction/policy regarding the exact steps to be taken so as to better organise the protection and prevention actions described above.

#### ***Return to work after recovery***

Generally, for an infected employee, isolation may be lifted when the person in question is confirmed as cured, based on examination by, or at the recommendation of, a doctor. Asymptomatic individuals can be isolated at home for a total period of 14 days from the diagnostic date, meaning that they may return to work after this period.

Under certain circumstances, it is possible for asymptomatic patients to perform daily activities and even professional activities at home or in the workplace without the need for testing at the end of the 14 days.

#### **4. How to organise homeworking for the long term**

Regardless of the actual number of teleworking days performed (assuming the condition imposed by the special law is met: at least one day per month of work at a location other than the

workplace organised by the employer, using information and communication technologies), the law provides a series of rights. These include:

- the right to have the materials used in performing his/her activity transported by the employer to and from the place where remote work is carried out;
- the right not to be isolated from his/her colleagues and to benefit from active measures taken by the employer in this area;
- all the rights recognised by law, internal regulations and collective bargaining agreements, if any, applicable to employees who work at the employer's headquarters;
- the right to any special remote working equipment necessary to carry out their duties, ensured by the employer, unless the parties establish otherwise;
- installation, verification and maintenance of the appropriate equipment by the employer, unless the parties establish otherwise;
- the right to receive appropriate health and safety training and instructions for the place where work is performed;
- the right to prior notification before the employer's verifies the employee's remote work location, if it is the employee's home.
- A teleworking employee's main obligations are:

- to inform the employer about the work equipment used, the conditions and the need to carry out remote work;
- to allow the employer to access the remote work location as far as possible;
- not to change the conditions of safety and health at work;
- to use only work equipment that does not represent a danger to health and safety;
- to work in compliance with employees' health and safety obligations, as well as in compliance with provisions in the individual employment contract;
- to observe the specific rules and restrictions established by the employer regarding internet networks used or use of the equipment provided.

Teleworking is established based on the agreement of both parties, employer and employee. The employee may suggest remote work and negotiate it with the employer, but the employer has the freedom not to grant such a request. However, if the employee's health is at risk and the employer does not take the necessary health and safety measures in the workplace, the employee may refuse to come back to work.

There is no provision in Romanian legislation that would mean employees would acquire a right to work from home based on doing so for a certain period.

**Contact our specialist in  
Romania**



Gabriela Dinu  
**Romania**  
NNDKP  
[gabriela.dinu@ndkp.ro](mailto:gabriela.dinu@ndkp.ro)

Under the teleworking legislation, the agreement of both parties is required to establish teleworking regime and its length. Unless the competent authorities publish a derogation from these provisions, then the general teleworking regime applies.

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# Russia

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

In Russia, restrictions depend entirely on the region. In Moscow (and some other regions), the self-isolation regime, passes and the scheduling of walks were cancelled from 9 June. Most other restrictions were also lifted. All restrictions in the field of entrepreneurship, provision of services to the population and other kinds of activity were removed. Organisations can now decide independently whether to maintain remote work or return employees to offices.

When in the streets, citizens are encouraged to use personal protective equipment. It is still obligatory to use masks and gloves in public spaces and on public transport; there is still an obligation to maintain social distancing.

Schools, shops, beauty-related businesses, restaurants, parks, gyms, etc. in Moscow (and some other regions) reopened and should comply with all sanitary and epidemiological rules. Starting from 1 August, theatres, cinemas and concert halls in Moscow with fewer than 3,000 seats could resume provided that no more than 50% of the seats are filled. The number of spectators permitted to attend sports competitions has increased from 10% to 50% of the maximum capacity of the stands.

On 11 May, the Russian President announced the end of the nationwide non-working regime. From 12 May,

restrictions gradually eased subject to decisions of regional heads depending on the situation in each region. Most regions started gradual removal of restrictions.

Rospotrebnadzor (the federal authority for supervision of human rights protection and welfare) identified key requirements for gradually easing the restrictions for each stage.

At the first stage, outdoors walks are allowed (no more than two people together, keeping social distancing and avoiding mass gathering places). Outdoor sports, the work of small non-food trade facilities, and services are also allowed.

At the second stage, the work of larger stores (up to 800 M<sup>2</sup>) is resumed and individual educational organisations may conduct activities. However, restrictions on the maximum number of visitors simultaneously allowed in shops and stores apply.

At the third stage, trade and service enterprises can operate without restrictions on the area and number of visitors. Parks, catering facilities, hotels may be opened subject to compliance with social distance.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

There is no official information on the reimposition of lockdown. In the event of worsening of the epidemiological

situation, it cannot be excluded that business activities of organisations may be suspended, and restrictions of the same or a less strict type may be reintroduced.

### *Government support*

Employers who qualify as SMB (small and medium-sized businesses) can receive bank credits at a 2% rate to be used for financing salary payouts.

For businesses that retain at least 90% of employees at the time of expiry of the loan agreement, the credit will be written off together with the interest accrued and the entire amount will be paid by the state. If at the time of expiry of the loan agreement at least 80% of employees remain on staff, the company will only have to repay half of the credit and interest accrued. The total amount of credit granted is calculated as the minimum wage (taking into account regional coefficients and social contributions) multiplied by the number of employees on 1 June and for the period from the date of conclusion of the contract until 1 December 2020.



Support measures depend on the region. In relation to Moscow, there are some measures concerning subsidising organisations working in the fields of catering, tourism, culture, sports, leisure and hotels. These measures include subsidies to offset the cost of acquiring equipment, to compensate lease payments or interest on loans, among others.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

Employees' return to the office depends on whether an employee was transferred to remote work during the lockdown, and if so, how this was formalised. If an employee was not transferred to remote work and stayed at home during the self-isolation period, he/she must come back to work in the office once the relevant restrictions are lifted. If an employee was transferred to remote work by signing an addendum to his/her employment contract, return to on-site work depends on the contents of this addendum. For instance, employees transferred to remote work for a specified period should return to work after this period.

#### ***Setting up the workplace***

All organisations that are resuming operations are obliged to observe sanitary and epidemiological rules prescribed by federal regulations,

including Rospotrebnadzor recommendations.

The employer should provide employees with safe working conditions and protection and keep them informed.

Employers are recommended to:

- appoint an official (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 body temperature monitoring for employees in the workplace;
- provide hand sanitiser and face masks, educate staff on their use and encourage regular use;
- regularly clean and ventilate the workplace, including using sanitisers where necessary;
- ensure compliance by employees with social distance (no less than 1,5 metres), including by applying special markings and establishing a special access and occupation regime for buildings.

#### ***Vulnerable employees***

At all stages of removal of restrictions, employers should assist employees who

are in the at-risk category (individuals over 65, pregnant women, etc.) with maintaining the self-isolation regime and, if possible, minimise the number of these employees on-site, by suspending them from working on-site at the employer's premises and transferring them to remote work, if possible.

#### ***Suspected cases***

If an employee falls sick, the employer should ensure that the employee does not continue working. Employers must also disinfect all areas of the site where exposed employees were located or which they visited, and conduct temperature checks on all employees. Any employees who have high temperature should be suspended. Failure to comply with these requirements may lead to liability of the employer and its officials.

An employer cannot require an employee who is suspected to be infected not to come to work. One of the available options is to convince an employee to take sick leave as those who are suspected to be infected should observe the self-isolation regime. The employer can also transfer an employee suspected to be infected to remote work or, with the agreement of both parties, he/she can also take paid or unpaid leave.

## Contact our specialists in Russia



Irina Anyukhina  
Russia  
Alrud  
[ianyukhina@alrud.com](mailto:ianyukhina@alrud.com)



Margarita Egiazarova  
Russia  
Alrud  
[megiazarova@alrud.com](mailto:megiazarova@alrud.com)

### **Official notification**

The state authorities could request information about employees who may have been exposed to coronavirus. The employer must contact the regional office of a relevant government agency by mail or by the telephone hotline to provide information about infected employee and all the employee's contacts in relation to performance of his/her work duties.

### **Communicating to your workforce**

Employers can communicate infection information through corporate email or in other available ways. Please note that personal data of the infected employee should not be disclosed.

### **Return to work after recovery**

The employee can return to work after discharge from medical care and on provision of a certificate of terminated sick leave to the employer.

If the employee did not obtain a sick leave certificate (e.g. employee was transferred to remote work or took paid/unpaid leave) after the self-isolation period the employee can return to work with a negative COVID-19 test result.

### **4. How to organise homeworking for the long term**

Generally, employees who are working remotely have the same rights and obligations as ordinary employees with

some exceptions, not connected with the term of remote work.

All special provisions, such as providing equipment for the employee to use at home, or compensation for the use of equipment owned or rented by remote employees, should be specified in employment agreements.

Employees cannot request long-term homeworking based on concerns about coronavirus, and the employer is not obliged to provide it. Any decision on long-term homeworking should be formalised with an additional agreement, meaning the parties should reach an agreement on it. Transfer to remote work is recommended by the state authorities, if it is conducted in accordance with applicable laws, employees' rights are respected, and remote work is feasible.

There are no rules allowing employees to continue working from home simply on the basis that they have already worked from home for some time. They do not acquire a right to work from home.

However, if an end date was not agreed when formalising a transfer to remote work and the employee refuses to go back to the office, the employer cannot force him/her. In this case, the parties should agree on the terms of return to in-person work and conclude a new additional agreement.

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# Saudi Arabia

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

Currently in the Kingdom of Saudi Arabia ('KSA'), all schools and universities remain closed, along with shisha cafes. Pupils in schools will be educated via distance learning for the first seven weeks of the new school year, and in the meantime the remaining academic year will be evaluated. Those who cannot access online learning will travel to their school at least once a week to follow up on their tasks and studies.

Anyone going out in public must wear a face mask; those who fail to comply are subject to risk a fine of up to SAR 10,000.

International flights remain suspended until further notice.

The nationwide curfew was lifted as of 21 June 2020 in the KSA. Subsequently, the guidelines for the Hajj pilgrimage were introduced, whereby permits to enter Mina, Muzdalifa and Arafat are required as of 19 July 2020. Those who attempt to enter these areas without a permit will be fined SAR 10,000.

As of 3 August 2020, the movement of trucks from GCC countries into the Kingdom through King Fahad Causeway has resumed. Further, the General Directorate of Passports has recently decided to open four land border crossings into the Kingdom for citizens, their non-Saudi families (spouses and

children), as well as drivers and domestic workers.

The Ministry of Human Resource and Social Development ('MHRSD') announced that from 30 August 2020, employees in the government sector will return to the workplace with precautionary measures and protocols against COVID-19 in place. Furthermore, markets, malls and restaurants have opened, alongside essential services such as hospitals, clinics, pharmacies and grocery stores which remained open during the lockdown period.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

The KSA is not subject to a re-imposition of a lockdown. All economic and commercial activities have been allowed to resume provided they adhere to precautionary measures

### *Government support*

As of July 2020, the Ministry of Finance launched the corporate sustainability programme worth SAR 670 million to support the deferment of loan instalments for the private sector, including the health and education sectors. It covered more than 192 establishments across sectors such as education, health and industry. The initiative aims to support projects in

the education, health and real estate development sectors by accelerating approvals and disbursement of loans and easing requirements.

Some of the initiatives introduced to support the private sector in the KSA include:

- Extending the grace period and rescheduling loans for companies struggling with loans and payments amounting to more than SAR 6 billion.
- Providing SAR 1 billion worth of direct and indirect loans to finance working capital.
- Allocating SAR 4 billion to provide employment support and training programs that will allow more than 300,000 beneficiaries to work in the private sector.
- SAR 1 billion going to help private sector employees who have not previously benefited from the support programs available.
- Allocation of SAR 4 billion to provide social loans to low-income families during 2020, with 100,000 Saudi citizens set to benefit.
- Increasing the direct lending portfolio for micro and small enterprises to SAR 2 billion, set to help 6,000 male and female entrepreneurs.
- Exempting expatriates whose residency ends between the end of March 2020 to the end of June 2020 from the necessary financial requirements needed for visa renewal, by extending their residency

- period for a period of three months without reapplication.
- Enabling employers to recover any work visa fees incurred after the issuance of permits which were not used during the period of the entry and exit ban even if they were stamped at the airport. Alternatively, work visas will be extended for an additional three months without charge.
  - Enabling employers to extend unused exit and return visas during the period of the entry and exit ban for a period of three months without charge.
  - Postponing the payment of some government service fees and municipal fees due on private sector establishments for a period of three months, while introducing the necessary standards to extend the delay period for the most affected activities as needed.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

Although the government has recommended working from home, this is not mandatory. Therefore, employers can oblige employees to work from their offices.

#### ***Setting up the workplace***

If your business is permitted to be open wholly or in part, take precautions to protect the health and safety of all your

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

The specific precautionary measures issued by the MHRSD require that:

- Prior to returning to work, employers must evaluate the health risks using the MHRSD 'Mawid' application.
- Employees in high-risk categories should remain working from home.
- Visitors are to wear masks, and visitors should be limited to 1 per 10m<sup>2</sup> and visitor seating should be spaced out.
- Staff members need to wear masks when entering the workplace and use them in communal areas of the workplace.
- Social and transport protocols must be followed when travelling to work.
- Handshaking is prohibited.
- Social distancing and barriers must be used between staff members.
- Separate entry and exit points should be used where possible as well as floor markings indicating safe distance in queues at entry and exit points.
- Temperature screening guidelines should be followed.

- Flexible working hours are to be applied.
- A cleaning schedule must be set up at least once a day.
- Employees must maintain social distancing.
- Paper cups or personal cups must be used.
- Different stairs are to be used to go up and down where possible.
- Food halls, rest areas and nurseries remain closed.
- Personal mats, face masks and safe distancing to be used for prayer.
- An isolation room is to be allocated in the building.
- Awareness training is to be provided.

#### ***Vulnerable employees***

The MHRSD has instructed the private sector that employees with a higher risk of contracting the virus (i.e. pregnant or nursing mothers, those with respiratory or cardiac diseases, HIV or hereditary diseases, users of immunosuppressive drugs, those who are undergoing treatment for tumours, and employees aged 55 and above) are granted 14 days' paid leave and the right to work from home by law until further notice. Employees are not required to work during the granted 14 days' paid leave, but they are expected to resume working

## Contact our specialist in Saudi Arabia



Zahir Qayum  
Bahrain  
Al Tamimi & Co  
[z.qayum@tamimi.com](mailto:z.qayum@tamimi.com)

from home after this period, in accordance with the MHRSD's guidance, until further notice.

### **Suspected cases**

Any suspected case must be reported immediately to the Ministry of Health's call centre via the 937 hotline number.

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. 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. The employee may either be asked to work from home or to stay at home on sick leave. However, suspected cases must be immediately reported to the 937 hotline number.

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.

### **Official notification**

Employers have an obligation to report suspected and confirmed cases to the Ministry of Health immediately, and a failure to do so will constitute a crime. Employers should also take immediate steps to contain the spread and to ascertain those individuals who have been in contact with the infected individual.

### **Communicating with your workforce**

There are no specific requirements on how employers should communicate infection information and employers are free to decide how they wish to do so. However, any communication should maintain the confidentiality of employees that are confirmed to be infected with COVID-19.

### **Return to work after recovery**

Following reporting an infection case via the 937-hotline number, the employ will be provided with all necessary details about the relevant employee, enabling the employer to make a decision as to when the individual may be able to return to work.

### **4. How to organise homeworking for the long term**

Where employees are required by the employer to work from home then the employer must ensure that the employee is working from a safe environment that

complies with the health and safety requirements for the workplace. Employees can also request that employers provide them with the necessary tools and equipment to perform work from home and this can extend to covering fixed costs such internet and telephone charges.

There is no provision in the Labour Law for homeworking and there is no statutory right to do so or to request homeworking. Employees can request to work from home if they consider that the workplace is not a safe environment. However, employers are under no obligation to grant these requests and can refuse them where they have complied with the health and safety at work requirements and put in place the measures suggested by the Ministry of Health to safeguard against COVID-19.

It is unlikely that employees would acquire a right to work from home if they have done it for a certain time, unless this is contractually promised to the employee.

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# Serbia

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

As of 7 May 2020, Serbia is no longer in lockdown. The state of emergency has been terminated and curfew has been suspended for everyone. However, some of the measures are still in force. The following restrictions are still in place:

- Restricted entrance to Serbia for foreign nationals coming from countries with an unfavourable epidemiological situation (currently Northern Macedonia, Bulgaria, Romania and Croatia). Entry is limited to travellers with a negative RT-PCR test not older than 48 hours issued by the reference laboratory of the country from which the foreign nationals are coming or entering Serbia.
- Prohibition on gatherings of more than 30 people in open and closed public spaces with mandatory 1.5-metre distance between individuals, i.e. one person per 4 m<sup>2</sup> is allowed.
- Wearing masks is mandatory in all closed areas on public transport, etc.

Businesses are operating without restrictions, subject to the implementation of protective measures. Current measures include: restriction of gatherings in public, open or closed spaces, so that one person per 4 m<sup>2</sup> is allowed (including employees), maximum number of people allowed in a facility should be indicated at the entrance, physical distance of 1.5 metres,

mandatory disinfection of premises, floors, inventory, machines, tools and appliances after service is provided to each customer, installation of foot disinfection at the entrance to facilities/stores, frequent ventilation of premises and regular disinfection of all common and hygienic rooms.

The working hours of catering facilities are limited so that facilities without an open garden and nightclubs are closed after 21:00 until 06:00 the next day. Facilities that have an open garden may provide services in the open part of the facility until 01:00. The working hours of shops, shopping centres and other retail stores are limited: these facilities are closed from 23:00 to 06:00 the next day.

A maximum of 500 people are allowed at public cultural-artistic events indoors. Every second seat must remain free and use of masks is mandatory. The same number is allowed for public cultural-artistic events outdoors. Physical distancing of 1.5 meters must be respected and use of masks is mandatory.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

There have been no announcements on reimposition of lockdown, either local nor national.

## *Government support*

The Government has already introduced two rounds of state aid (fiscal incentives for deferral of payment of taxes and social contributions as well as direct payments for salaries).

## 3. How to keep workers safe in the office

### *Back in the office*

Employees only have the right to refuse to come back to the office if adequate health and safety measures are not being put in place by the employer.

### *Setting up the workplace*

Employers have a duty to provide a safe workplace for all employees. In that respect, Rules on preventive measures for safe and healthy work for the prevention and spread of epidemic of the infective disease have been adopted. The Rules specify that the employer should adopt a 'Plan of Implementation of Measures for Preventing the Occurrence and Spread of an Infectious Disease Epidemic' ('Plan').

The Plan regulates the employer's obligations with respect to measures for preventing the spread of epidemic diseases. They include hygienic and disinfection measures, instructions and guidance to employees on use of

## Contact our specialist in Serbia



Milena Jakšić Papac  
**Serbia**  
Karanovic & Partners o.a.d.  
[milena.papac@karanovicpartners.com](mailto:milena.papac@karanovicpartners.com)

protective equipment as well as other measures such as work in shifts and redistribution of working hours to reduce the risk of infection.

### ***Vulnerable employees***

No separate rules have been introduced for vulnerable employees or vulnerable groups of employees.

### ***Suspected cases***

There are no special rules for dealing with a suspected case. Although the circumstances in which employers can refer an employee for medical testing are limited, employers 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 employer can refer an employee for testing for coronavirus if symptoms are present. Further, an employee has the obligation to notify the employer if he/she has symptoms of the disease himself/herself or members of his/her family have symptoms.

The law does not provide for a basis on which the employer can request the employee not to come to work if the employer suspects the employee is infected. Arguably, the employer can request the employee take paid leave if he/she is suspected of having coronavirus, since the employer is

obliged to ensure working conditions that comply with health and safety regulations for its employees. In this case employees will be on paid leave until they receive a coronavirus test result. If it is positive, they will be placed on sick leave instead of paid leave.

### ***Official notification***

Employers must immediately report any occurrence that may jeopardise employees' safety and health to the Labour Inspectorate and the Ministry of Internal Affairs. They must also report any cases of the coronavirus among employees at work. Based on this, we recommend you respect this rule when there is a possible coronavirus infection among employees. When reporting, you must respect data protection principles.

### ***Communicating with your workforce***

Employers have an obligation to provide a safe workplace for employees, so infection information should be communicated to other employees, while taking care to respect data protection principles towards the employee infected.

### ***Return to work after recovery***

Infected employees will be on sick leave for the duration of the infection with coronavirus and during home isolation (if imposed). The sick leave will end on the primary care physician's report, after which the employee is returned to work.

## **4. How to organise homeworking for the long term**

Employees working from home in the longer term have all the rights and obligations as employees working in offices (including health and safety, monitoring, holidays, etc), except for commuting expenses. Employees working from home are also entitled to reimbursement of costs for the use of tools belonging to the employee and other costs of work (e.g. bill for private mobile phone used for business purposes, etc.). Since the law does not specify the type and the amount of these costs or the way they should be determined, it is up to the parties to agree on this matter in the employment contract.

Employees may request long-term homeworking based on concerns about coronavirus, but the employer decides whether to agree to such a request, since organisation of work is at the employer's discretion. Further, in the case of long-term homeworking, the employer and employee must conclude an annex to the employment contract to regulate their relations with respect to work from home.

There is no possibility for employees to acquire the right to work at home if they have done so for a certain period. Employer and employee must agree on working from home by concluding an annex to the employment contract.

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# Singapore

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

The Singapore government was under a set of 'circuit breaker' measures to curb the spread of coronavirus from 7 April 2020 to 1 June 2020. Singapore underwent Phase One of re-opening from 2 June 2020 to 18 June 2020. From 19 June 2020, Singapore entered Phase Two of re-opening.

In terms of workplaces, the Ministry of Trade and Industry has allowed selected businesses to gradually resume operations from 12 May 2020 onwards. Since Phase Two begun, the following businesses have resumed:

- Retail businesses, who have re-opened their physical outlets.
- Dine-in at food and beverage outlets (although live music, television and video screenings are not allowed at this stage).
- Personal health and wellness activities.
- Home-based services.
- Tuition and other private enrichment classes.
- Sports, parks and other public facilities. These include playgrounds, beaches, swimming complexes, sport halls, gyms and fitness studios, function rooms, and similar facilities in private condominiums and clubs.
- Registered clubs and societies, at their registered premises.
- All healthcare services, including face-to-face visits at residential

facilities for the elderly, although safe distancing and precautionary measures will be put in place.

For workplaces, the Tripartite Partners (being the Ministry of Manpower, National Trade Union Congress and the Singapore National Employers Federation) have issued an advisory on Safe Management Measures ('Safe Management Measures'), based on the regulatory requirements for COVID-19 measures under the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 ('**COVID-19 Regulations**').

Under the COVID-19 Regulations and Safe Management Measures, working from home continues to be the default mode of working (including companies who resumed operations in Phases One and Two). Employees who have been working from home so far must continue to do so, and go to the office only where there is no alternative.

For employees who are required to go back to the office for essential tasks, the Safe Management Measures, see question 3 below.

In terms of schools, students have returned to school daily from 29 June 2020. Since Phase Two, higher learning institutes such as polytechnics and universities have also gradually increased the number of students back on campus for face-to-face learning.

In terms of individuals, everyone must wear a mask when they leave the house, except when engaging in strenuous exercise.

Under the COVID-19 Regulations, social gatherings are limited to groups consisting of:

- individuals all of whom are from the same household; or
- not more than five individuals.

Similarly, a household can only receive up to five visitors at any time (with a visitor being an individual other than a member of the household). The above however does not apply to weddings and funerals. From 4 August 2020, marriage solemnisations at places of worship and other similar external venues will be allowed to take place with 50 people including the couple but excluding the 'Solemniser' (who is the licensed wedding officiant) and vendors for the entire event, subject to the venue's capacity limit based on safe management principles.

This is an increase on the previous maximum limit of 20 (excluding the Solemniser). For funerals, from 4 August 2020, up to 30 people can attend wakes and funerals simultaneously, subject to the venue's capacity limit based on safe management principles. This is to facilitate more family members and friends being able to pay their last respects during this emotionally difficult period. Prior to this the limit was 20. As



mentioned above, Singapore is now in Phase Two of reopening. It remains to be seen when we will exit Phase Two and enter Phase Three. Phase Three will be the 'new normal' for Singapore, and we can expect to remain at Phase Three until an effective vaccine or treatment for COVID-19 is developed.

## **2. Local lockdowns and new national lockdowns**

### ***New lockdown***

Singapore has not re-imposed a new lockdown and has no plans to do so.

### ***Government support***

As Singapore is not planning a new lockdown, there is no particular government support planned for this.

## **3. How to keep workers safe in the office**

### ***Back in the office***

Generally, under the Safe Management Measures, working from home continues to be the default mode of working. If, however, an employee is required to perform a task that must be performed physically in the office, and the employer has put in place all required Safe Management Measures, then there is nothing precluding the employer from expecting the employee to perform his/her employment tasks in accordance with the employment contract.

## **Setting up the workplace**

All workplaces which have re-opened must adhere to the Safe Management Measures. As mentioned above these include:

- mandatory 'checking in' and 'checking out' of the venue through the Singapore Government's SafeEntry programme, for the purposes of contact tracing;
- refusing entry to symptomatic individuals;
- temperature checks;
- safe distancing;
- staggered working hours;
- split team arrangements; etc.

Employees should wear a mask at all times and there should be no social gatherings (such as having lunch, drinks or gatherings) amongst employees. This applies both during and outside of working hours.

### ***Vulnerable employees***

Under the Safe Management Measures, companies should pay special attention to vulnerable employees (e.g. older employees, pregnant employees and employees who have underlying medical conditions). Besides enabling them to work from home, employers may also have to temporarily redeploy vulnerable employees to another role within the organisation.

## **Suspected cases**

Under the COVID-19 Regulations and the Safe Management Measures, any employee who is feeling unwell or showing symptoms of illness should report to his/her employer, leave the workplace and consult a doctor immediately, even if symptoms may appear mild. Employers must track and record these cases as part of Safe Management Measures.

Employers cannot direct employees to be tested for COVID-19. However, if you believe an employee may be infected, you can ask him/her to undergo a medical examination and if he/she refuses, you may take the necessary disciplinary action provided that your policies allow you to do so for acts of insubordination.

### ***Official notification***

No official notification is required by the employer. In Singapore, anyone who tests positive for COVID-19 is not allowed to self-isolate at home. These individuals will be isolated either in a hospital or community care facility, depending on the severity of their symptoms.

In Singapore, private testing for COVID-19 is not available, which is instead conducted at all public and private hospitals, and all National Healthcare Group Polyclinics and some medical clinics. If a doctor deems that there is the

## Contact our specialist in Singapore



Desmond Wee  
**Singapore**  
Rajah & Tann Singapore LLP  
[desmond.wee@rajahtann.com](mailto:desmond.wee@rajahtann.com)

need for an individual to be tested based on the individual's health condition, the doctor will either administer the test or refer the individual to a hospital for the test.

### ***Communicating with the workforce***

Contact tracing in Singapore is conducted by officers from the Ministry of Health. When an individual is identified as a close contact of a confirmed case, the MOH will conduct the necessary follow up and advise the user on the necessary measures, which may include quarantine or isolation orders.

### ***Return to work after recovery***

An individual who has been infected will only be discharged from the hospital or community care facility upon being assessed to be clinically well and no longer infectious. Therefore, upon an infected worker's discharge, he/she would be well enough to start work.

### **4. How to organise homeworking for the long term**

An employer's obligation under the Workplace Safety and Health Act (Chapter 354A) of Singapore (WSHA) to take reasonable measures as are necessary to ensure the safety and health of his employees will continue to subsist. The definition of 'workplace' under the WSHA is drafted broadly enough to include the home environment

from which an employee is carrying out work for his/her employer.

In addition, the employer must continue to adhere to the provisions of the Personal Data Protection Act 2012 (No. 26 of 2012) and/or in accordance with any corporate-owned device policies it has in place, if it wishes to engage in any monitoring of the employee while the employee is working from home.

Whether the employee will be entitled to additional benefits for the purposes of offsetting electricity or internet utility bills, would have to be mutually agreed between the employer and the employee.

Employers are not obliged to accede to this type of request if they are operating the workplace in accordance with applicable laws, regulations and guidelines.

Generally, employees will not require a right to work from home because of the time they have already spent doing so, if those arrangements were imposed in order to comply with law or guidelines.

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# Slovenia

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

Slovenia's lockdown ended gradually during April and May 2020. The following restrictions apply currently:

- Public passenger transport is allowed if strict hygiene measures in accordance with the recommendations of the National Institute of Public Health ('NIJZ') are followed.
- The prohibition on sale of goods and services to consumers is no longer in force. Only discos and night clubs are closed until further notice.
- All educational and childcare establishments in Slovenia are now operating. The new school year has recently started, and we have already been notified about several classes being under quarantine and having to resort to school from home.
- Border crossing is allowed, however a 14-day quarantine required for people travelling to Slovenia from countries that are not on the green list (several EU countries are excluded from this list and quarantine applies). There are some exemptions when quarantine is not ordered (such as posting of employees who provided a negative COVID-19 test).
- All public gatherings and public events and other events in public places in Slovenia where more than ten people gather (or if the gathering is not permitted by a government act) are prohibited. A gathering of more

than ten (but fewer than 50) people is allowed as long as the host keep a list of the individuals present for one month. Organised public events (without performers) are allowed if there are fewer than 500 attendees.

- Hygiene recommendations from the NIJZ must be followed at all times.

In closed public places, the use of a protective mask or other form of protection (scarf or similar covering for nose and mouth) is obligatory as is disinfecting hands. The disinfectant must be provided by the service provider.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Until now, Slovenia has not presented any propositions for a new general lockdown. The Parliament adopted an Act which provides for many different options to help business (mainly compensations for the employees not able to work due to quarantine orders), but there has been no further mention of a lockdown. Additionally, there were a few scenarios discussed regarding the reopening of schools: currently the scenario where all schools opened on 1 September is operating. This might change depending upon the spread of COVID-19. Such a change could lead to indirect consequences for businesses, as some parents would be absent due to *force majeure* if school children would otherwise be at home without

supervision. However, there have been no other indications of a potential lockdown.

### *Government support*

Some measures are still in place for the businesses, such as financing of shorter working time and compensating the salary of employees in quarantine. At this point it cannot be confirmed whether potential lockdown would be supported by Government measures.

## 3. How to keep workers safe in the office

### *Back in the office*

Depending upon the agreement with the employee, an employer may request an employee to come back to work, based on general employment rules. An employee not following the employer's instructions may be dismissed for cause.

### *Setting up the workplace*

You must ensure health and safety at work. If this is not ensured, an employee has the right to even refuse work if (s)he is in imminent danger to life or health because the prescribed safety measures have not been implemented. The employee can also request that the danger is eliminated by the employer. If the employer does not remedy the danger, the employee may request labour inspection mediation.

## Contact our specialist in Slovenia



Darja Miklavčič  
**Slovenia**  
Selih & Partnerji  
darja.miklavcic@selih.si

NIJZ has published general recommendations the employer has to follow and measures it must implement for employees working at workplace, such as alerts to sick employees to stay home and follow instructions, cancellation of non-urgent business trips, implementation of daily hygiene measures to prevent infection, adoption of an internal security protocol against the spread of coronavirus, and measures to reduce person-to-person contacts. Masks are not obligatory for all scenarios, but might be, depending on the business.

### ***Vulnerable employees***

There are no specific rules for vulnerable (groups of) employees, but some employers do have additional measures in place in the field of safety at work for employees who are in riskier groups.

### ***Suspected cases***

Employees with signs of COVID-19 should contact their personal doctor over the phone and proceed accordingly. To be on the safe side, the general recommendations suggest that an employee should work from home if this kind of work is feasible or be ordered to temporarily wait for work at home. Employees must comply with the rules on safety at work and also protect their own life and health as well as that of their coworkers. Based on this obligation, they are obliged to inform the employer if they are infected. You cannot force an employee to get tested for coronavirus.

### ***Official notification***

If an employee shows signs of infection in the workplace, s/he must consult a medical service by telephone for instructions on how to proceed. If the employee proves to be infected with coronavirus, s/he must stay home on sick leave. If this is not the case, but the employer and the employee agree on work from home, the Labour Inspectorate must be informed.

### ***Communicating with your workforce***

The employer has an obligation to maintain conditions ensuring safety and health for employees. In accordance with this obligation, the employer must inform employees of all possible threats they can encounter while performing work, including risks related to COVID-19. The employer can inform the employees in the usual manner (i.e. over the email provided for by the employer, on the intranet etc.).

### ***Return to work after recovery***

There are no legal measures determining when and how an employee can return to work following infection. Medical personnel will determine when the employee is no longer a threat and can return to work.

## **4. How to organise homeworking for the long term**

Long(er) term homeworking must be agreed upon in the employment contract. The employer must notify the Labour Inspectorate prior to commencement of work and the Labour Inspectorate can inspect the homeworking conditions and prohibit work in that place or those conditions if it is harmful or if there is a danger that it will become harmful for the employee or his/her surroundings.

Even if the employee is provided with a laptop, phone and similar, s/he is still entitled to a compensation for the use of his/her own equipment (for instance light bulbs and electricity). This compensation must be set out in an agreement between the employer and the employee. There are no provisions in Slovenian labour legislation that would determine a method of working time monitoring for employees working from home; this is usually agreed in the employment agreement.

Employees can request long-term homeworking based on concerns about coronavirus, but it is ultimately the employer's choice where the employee's place of work is located. Is it not currently likely that employees will acquire the right to work at home if they have done it for a certain time, but this might happen if homeworking conditions are not properly legally regulated.

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# South Korea

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

Although South Korea has had one of the most successful initial responses to the COVID-19 pandemic, the country has been working hard to contain a resurgence of COVID-19 infections that began around mid-August. The national government elevated its social-distancing requirements to Level 2 nationwide. Under Level 2, gatherings are limited to 50 people indoors and 100 outdoors, and private employers are recommended to limit the number of employees at the workplace by implementing flexible hours and homeworking (public institutions and state owned/controlled enterprises are required to do so). In addition, all sporting events must be held without spectators. Operation of all public multi-purpose facilities is suspended and operation of non-public multi-purpose facilities with high infection risk is suspended. The number of attendees at in-person classes is to be reduced to minimise classroom density.

Because Korea's recent resurgence of COVID-19 cases is centered in and around Seoul, what is being referred to as 'Social Distancing Level 2.5' has been imposed throughout the entire Seoul Metropolitan Area from 30 August. Under these Level 2.5 social-distancing requirements:

- It is prohibited to drink inside cafés, with the exception of non-franchise establishments (take-out and delivery orders are allowed).

- Dining in at restaurants is only allowed from 05:00 to 21:00.
- Indoor sports facilities must close completely.
- Academies (with more than ten students), libraries, and study-cafés are required to close completely.
- Visits to nursing homes are generally prohibited.

Violating mandatory social-distancing standards is subject to a fine of up to KRW3 million (approx. USD 2,530).

Additionally, the Seoul Metropolitan Area local authorities have issued administrative orders requiring all people to wear masks indoors and outdoors. A violation of those administrative orders is subject to a fine of up to KRW 100,000 (approx. USD 85) starting from 13 October.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

The government has recognised the current situation as significantly more severe than the prior mass infection event in and around Daegu and has increased protective measures as described above. The government is considering implementing Level 3 social distancing. Under Level 3:

- Gatherings of more than 10 people would be prohibited indoors and outdoors.

- Non-essential workers at public institutions and state-controlled enterprises would be required to work remotely.
- Non-essential workers at privately owned enterprises would be recommended to work remotely.
- All sporting events would be suspended.
- All schools, kindergartens, and daycare centers would be closed or move online.

### *Government support*

The Korean government is attempting to mitigate the economic impact of imposing stronger restrictions on commercial activities, by extending certain subsidies that were previously provided or expanded due to COVID-19.

For example, there is a temporary COVID-19 subsidy established to support employees taking unpaid family-care leave to care for family members who are confirmed or suspected COVID-19 carriers, or to take care of children when necessary due to school closures. The use of this subsidy for childcare had been scheduled to end but has been extended through 30 September 30. The existing ten-day per employee and KRW50,000 per day limits remains the same.

The expansion of the employment-retention subsidy provided under the unemployment-insurance system, which had been increased and whose eligibility requirements were loosened, has been extended until the end of September. The employment-retention subsidy is a per-head subsidy to support placing employees on furlough or reduced hours, instead of downsizing. It defrays part of the cost of paying them their legally required 'shutdown allowance' (70% of their average wage) for the furlough period or reduced hours. Due to lack of funds in the Employment Insurance Fund, the government is reluctant to further loosen the requirements or extend the effective period of the more generous subsidy. For eight industries designated 'special employment support industries' (e.g. travel, accommodation, etc.), the more generous subsidies have been extended until March 2021, and the 180-day limit on receiving benefits has been increased to 240 days.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

Employers are generally entitled to require employees to come to work. However, an employer bears a duty of diligence to ensure the health and safety of its employees in the workplace. If employees' safety is unreasonably threatened by being required to come back to work, especially given the unprecedented circumstances

surrounding COVID-19 they could have claims for damages against the employer if they can prove they contracted COVID-19 from coming back to work. If there is any violation of health and safety laws, they could also report it to the authorities; and any disciplinary action for insubordination or unexcused absence might be overturned at the court or labour tribunal on the basis that their refusal to come back to work was justified due to reasonable safety concerns.

If Level 3 social distancing is imposed, private employers will be 'recommended' to have non-essential workers work remotely. This will make it harder to defend forcing employees to come to the workplace as safe.

If employees are required to come to the workplace and some become sick, there is a risk of claims that the employer failed to practice adequate social-distancing or other safety precautions. So it will often be prudent to allow employees to work from home where practicable.

#### ***Setting up the workplace***

According to most recent guidelines issued by the Ministry of Employment and Labor ('MOEL'), businesses should establish a prevention and response plan (including subcontractors, temporary agency workers, etc.), designate a team or a person in charge of monitoring for possible COVID-19 outbreaks, and keep appropriate records.

Employers should also maintain a clean work environment and provide protective equipment and hygiene products. More specifically, the guidelines recommend that employers:

- encourage good hygiene practices by providing sufficient hygiene-related products such as masks, hand sanitizers, thermometers, and others, and keep the workplace clean through proper disinfection and other measures;
- inform employees to cover their mouth and nose when coughing or sneezing;
- inform employees to avoid physical contact, and maintain a safe distance while having meals;
- provide personal hygiene tips to employees and visitors (e.g., customers), by putting up notices or posters promoting personal hygiene;
- disinfect desks, chairs, office equipment, doorknobs, switches/buttons, railings, and other items on a regular basis; and
- ventilate and disinfect places many people use including offices, lounges, restrooms, entrances, elevators, and hallways on a regular basis.

### ***Vulnerable employees***

According to the MOEL guidelines, workers who are especially vulnerable to infection, such as pregnant women, should be encouraged to work from home.

### ***Suspected cases***

Workers outside the workplace who have a fever of 37.5°C or higher or respiratory symptoms (cough, sore throat, etc), which is the Government definition of suspected cases, should not come to work.

Workers who have a fever or respiratory symptoms inside the workplace should be separated from others in a designated isolation area, wearing protective equipment such as a mask. They should follow the directions of the public health authorities after consulting with the KCDC call center at 1339, or regional code+120, or the local public health center; and absent other specific directions from the authorities, should immediately return home.

Government disease-control staff will disinfect the workplace and may shut down affected areas until the following day.

Employees confirmed as carriers outside the workplace should report this to their employer and follow instructions from government officials.

If you suspect an employee is infected, you can generally require him/her not to come to work: this is reflected in the MOEL guidelines. However, the suspicion should be based on reasonable grounds such as symptoms or potential or actual contact with a confirmed case.

### ***Official notification***

In the event of a confirmed case, immediately report it to a public health clinic or the KCDC. The employer should inform all other employees in the workplace (including on-site contractors and dispatched workers), see below.

### ***Communicating with your workforce***

There is no specific rule, but it is recommended employers notify employees that a confirmed case has occurred in particular area of the workplace, along with any information regarding where the infected worker has been. You can encourage employees who have been in contact with the confirmed case to be tested, to prevent further infection.

It is prudent to provide further details about the confirmed case only as necessary, for example to notify employees suspected to have been in contact. Employers should take care not to disclose sensitive personal information of confirmed cases.

### ***Returning to work after recovery***

An employee can return to work following infection once the required quarantine period has passed and the worker tests negative for COVID-19 and does not have symptoms.

## **4. How to organise homeworking for the long term**

In Korea, homeworking has rarely been implemented by employers for anything more than a temporary period under special circumstances (or, in some individual cases, as the contractually agreed workplace from the start). So legal regulations regarding homeworking have not been clearly established and there have not been many actual legal disputes.

Homeworking does not impose any additional health and safety related duties on employers. Employers must follow general legal obligations such as complying with standards to prevent industrial accidents; ensuring a comfortable working environment and proper working conditions so as to diminish physical fatigue, mental stress, etc. of employees; and providing employees with certain information on safety and health in the workplace concerned (according to Article 5(1) of the Industrial Safety and Health Act). Under a homeworking system, however, in practice those obligations would be mitigated because employers would have less ability to exert

Contact our specialists in  
South Korea



Soojung Lee  
South Korea  
Yulchon LLC  
[slee@yulchon.com](mailto:slee@yulchon.com)



Christopher Mandel  
South Korea  
Yulchon LLC  
[cmandel@yulchon.com](mailto:cmandel@yulchon.com)

supervision and control within the privacy of the employee's own home.

There are no legal regulations regarding costs, expenses, or allowances for expenditures on utilities or supplies under a homeworking system. However, employers typically bear expenses regarding telecommunication equipment and office supplies.

Unless employers set homeworking-specific rules in a 'homeworking policy' or similar, general policies on privacy and confidentiality apply equally to the homeworking environment as they do to working in the office. There is no established legal right for employees to demand long-term homeworking because of coronavirus concerns. In practice, some employers have been implementing or considering homeworking systems based on concerns about coronavirus and government recommendations favouring it. There is a per-capita subsidy available for small and mid-sized companies that implement flexible or home-working arrangements, subject to certain eligibility criteria. The subsidy predates COVID-19 but some eligibility requirements have been loosened.

Theoretically, if a homeworking system has been implemented continuously for a long period of time, employees may argue that the homeworking practice has become a kind of unwritten workforce rule and that they have the *right* to continue to work at home. However, in most cases this is unlikely to be a very strong

argument because labour practices are only recognised as binding unwritten rules under a fairly strict legal standard.

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# Spain

Last updated:  
15/9/2020

## 1. Restrictions on national daily life

The state of emergency declared by the Spanish Government was effective from 14 March to 21 June 2020.

Although Spain is no longer under a state of emergency, there are some restrictions which vary depending on the Autonomous Community where you live. For example, in the case of the Autonomous Community of Madrid, use of facial mask is mandatory in every public space and even if it is possible to observe the safety social distance, private and public meetings involving more than ten people are not allowed, the number of people who can attend weddings/baptism/etc. has been also reduced, bars and restaurants shall closed at 01:00 at the latest, among other restrictions.

## 2. Local lockdowns and new national lockdowns

### ***New lockdowns***

No lockdown has been declared by the Spanish Government after 21 June 2020 and it is not expected that the Spanish Government will declare a new lockdown.

In any case, the Autonomous Communities have responsibility for health matters and are responsible for managing the health situation with the ultimate aim of controlling and preventing the proliferation of COVID-19 outbreaks

in their territories. They can adopt the measures they deem necessary to protect health. In this context and although the Autonomous Communities do not have the power to declare a state of emergency involving confining the population by forcing citizens to remain in their homes, depriving them of the ability to move freely and restricting individual fundamental rights, they may adopt health provisions or measures relating to a specific group of people and for a specific period of time ('perimeter confinement' of a specific group of people, but not 'home confinement'). This must in any case be authorised or ratified by the Judicial

Authority to determine whether the measure is proportionate to the situation in question.

From a business perspective, companies will have to take into account the fact that Autonomous Communities may impose restrictions where perimeter confinement (duly authorised/ratified by the Judicial Authority) is declared (i.e. employees would be permitted to go to their workplaces provided that it is not possible to work s from home, etc.).

### ***Government support***

As stated above, a new lockdown is not anticipated. Please note:

- Companies which requested furloughs based on *force majeure* until 27 June 2020 can only apply specific measures on unemployment

and social security contributions until 30 September 2020. It is uncertain if this legal term will be extended by the Government.

- Companies can implement furloughs based on economic, productive, technical or organisational reasons which may lead them to reduce working time and salary. The employees affected are entitled to receive a reduced salary from their employer and payment of unemployment benefit proportional to the reduced working time.

## 3. How to keep workers safe in the office

### ***Back in the office***

You can require employees to return to on-site work if the provision of services on a remote working basis is not possible and as long as the health and safety measures implemented by the organisation as a result of the analysis made by their Prevention Services are respected. Please note that: The Government has declared that remote working is preferable, wherever possible, until 21 September 2020. This means employers should set up organisational systems that make it possible to maintain activity using alternative mechanisms, particularly remote working. The organisation must take appropriate measures if this is technically and reasonably possible and if the necessary adaptation effort is

proportionate. These alternative measures, particularly remote working, should take priority over temporary cessation or reduction of activity. In any case, a case-by-case analysis must be made.

An employee can voluntarily decide to go back to the employer's premises to continue working as long as the health and safety requirements established by the organisation's Prevention Service are met (i.e. use of face masks, social distancing, etc.). It is not necessary for an employee to provide any kind of justification or evidence to the employer in order to return to the on-site work; s/he can just inform the employer.

### ***Setting up the workplace***

Without prejudice to the requirement to comply with the regulations on preventing occupational risks and other applicable labour regulations (including measures implemented in compliance with instructions given by the organisation's Prevention Service), the employer or person responsible in the workplace must comply with the following:

- Adopt ventilation, cleaning and disinfection measures appropriate to the characteristics and intensity of use of the workplaces, in accordance with the protocols established in each case.

- Provide employees with water and soap, or with hydroalcoholic gels or disinfectants with virucidal action authorised and registered by the Ministry of Health for cleaning hands.
- Adapt working conditions, including the organisation of workstations and shifts, and the use of common areas in such a way as to ensure that a minimum interpersonal safety distance of 1.5 metres is maintained between employees. Where this is not possible, employees must be provided with protective equipment appropriate to the level of risk.
- Adopt measures to prevent mass gatherings of people, whether employees, customers or users, at workplaces during the hours when the greatest number of people are expected to be present.
- Adopt measures for the gradual return to the workplaces and the promotion of the use of remote work where this is possible because of the nature of the work activity.

### ***Vulnerable employees***

The Ministry of Health has published guides on vulnerability management in the health and social health fields as well in non-health fields. These guides assess the groups at risk from COVID-19, such as pregnant women or people with previous respiratory problems and give guidance on how to protect them in the

workplace. The organisation's Prevention Service must take this information into account in determining what health and safety measures must be implemented in the organisation to avoid COVID-19 risk, including protecting vulnerable employees.

### ***Suspected cases***

People who present symptoms compatible with COVID-19 or who are in home isolation due to a COVID-19 diagnosis or who are in home quarantine because they have had close contact with someone with COVID-19 should not go to their workplace.

If an employee begins to have symptoms of COVID-19, they should immediately contact the appropriate autonomous community or health centre on the telephone number provided, and, if appropriate, the responsible occupational risk prevention services. The employee must immediately put on a mask and follow the recommendations that are indicated to him/her, until his/her medical situation is evaluated by a health professional.

Analysis of any specific suspected case and their circumstances must be coordinated by the employer and its Occupational Risk Prevention Service.

Please note that the employer can only stop making salary payments to an employee who is not going to the workplace if the Public Health Service has declared the employee must be placed on sick leave (and therefore not attend the workplace) due to COVID-19 infection or due to home isolation for COVID-19 diagnosis or due to home quarantine because he/she have had close contact with someone with COVID-19.

#### ***Official notification***

If one or more employees in a workplace appear or are suspected to be infected, you must immediately call the telephone number provided for this purpose by the Public Health Service in each Autonomous Community. You must follow the instructions provided by the Health Authorities. The fact that a potential infection is notified to the Health Authorities by a worker, their colleagues or their relatives, does not exempt you from their obligation to inform the Health Authorities directly.

#### ***Communicating with your workforce***

The Health Public Service will provide instructions on how to deal with a case of infection in the workforce, including the impact on other employees who have been in contact with the infected employee, respecting data protection legislation in all cases. In addition, the organisation, in coordination with the Prevention Service, can take action to

notify employees, which must in all cases respect data protection legislation.

#### ***Return to work after recovery***

An infected worker can return to work once the responsible Public Health Service has issued a medical discharge declaring s/he is no longer infected.

#### **4. How to organise homeworking for the long term**

Under Spanish law, the following considerations must be taken into account when considering provision of services under remote working basis:

- The remote working agreement must be formalised in writing.
- Whether the remote working agreement has been established by the initial employment contract or agreed in a subsequent contract/appendix, the employer will have to provide a copy of the written remote working agreement to the employees' legal representatives, if they exist, within ten days after it has been concluded. The agreement must also be registered at the appropriate Labour Authorities.
- Remote working employees will be entitled to the same rights as employees providing services from the company's office, except for any rights inherent to the provision of

services on site in the company's office. Specifically, the remote working employee will be entitled to receive, at least, the total agreed salary for his/her functions and professional group as defined by the applicable collective bargaining agreement.

- Employers must establish the necessary means to ensure effective access by the remote working employee to professional training on employment in order to promote his/her professional development.
- Likewise, and in order to facilitate employment mobility and possible promotion, the employer must inform remote working employees about the existence of vacant jobs requiring office work.
- Remote working employees are entitled to adequate protection of their health and safety and therefore the Act on Prevention of Labour Risks must be respected and complied with even if the employee is providing services from home.
- Remote working employees can exercise their collective representation rights. Even if s/he provide services from home, an employee should be 'assigned/registered' to a specific work centre in the organisation for this purpose.

A draft bill of the Remote Working Act was published some weeks ago and it is

**Contact our specialist in Spain**



Gisella Alvarado  
**Spain**  
Sagardoy Abogados  
[gac@sagardoy.com](mailto:gac@sagardoy.com)

expected the new Act on Remote Working will be published in the coming weeks/months. This draft bill includes the obligation for employers to cover all costs related to the provision of services by employees from home.

The Government has declared remote working is should be preferred, wherever possible, until 21 September 2020. It is uncertain if the Government will extend this legal provision or not. In any case and based on legislation actually in force, until 21 September, an employee can ask to continue to provide services from home if this is technically and reasonably possible and if the necessary adaptation effort is proportionate for the employer. The organisation's Prevention Service can establish specific measures (including remote working) that organisations must implement after conducting an occupational risk assessment. Remote working imposed as a result of COVID-19 will not mean employees acquire a right to work at home on a permanent basis. In any case, if the employer and employee decide to enter into a remote working contract on a long-term or permanent basis (regardless of the COVID-19 situation), a specific addendum to the employment contract must be signed setting out specific terms and measures (i.e. frequency of remote work, provision of means, costs, evaluation of risks at the employee's home, etc.).

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# Sweden

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

High schools and universities previously closed may open: this means that most schools and universities will open this autumn. However, many universities have chosen to provide education online, at least to some extent. 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/ she stays home with a child because of concern that the child could get infected in school.

Many employers have chosen to close workplaces and directed employees to work from home, which is also recommended this autumn. There are no general recommendations on how or when closed businesses reopen. You have the right to instruct employees to work from home if needed, regardless of whether the employee has symptoms. If the employer has decided an employee should work from home, s/he should comply with this policy.

Public gatherings of more than 50 people are forbidden, and people are requested to socially distance. The current rule is expected to be amended in October meaning 500-person gatherings may be approved where two-metre distance can be observed.

Restaurants, bars, cafés, nightclubs and other businesses that serve food or beverages to customers must take measures so that people do not queue up with a high risk of spreading COVID-19. Travellers are asked not to take public transport unless essential. For more detailed information, please see the [Public Health Agency's FAQ](#) in English.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Sweden is not in lockdown and there are no signs that this will change during the autumn, although various measures have been imposed which impact certain businesses. The authorities have also stated that local measures may have to be taken to reduce the spread of the virus. But a total lockdown, even in certain areas, is not expected

### *Government support*

There are government support measures in place for businesses affected by the coronavirus crisis, for example short time work (see [here](#)) but nothing specifically for local or new lockdowns.

## 3. How to keep workers safe in the office

### *Back in the office*

Yes, employers are entitled to direct work, so if you direct an employee to come back to on-site work, provided that she/he is not sick, the employee must do so.

### *Setting up the workplace*

Employers are responsible for the organisation of work and for ensuring the work environment is safe and 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 office temporarily. To minimise the risk of infection when workplaces are re-opening, employers should make a risk assessment according to the Swedish Work Environment Authority provisions relating to systematic work environment management and infection spreading. Employers should plan how a potential workplace outbreak would be handled, identify specific work tasks that need to be done continuously and ensure that all employees carrying out these tasks work under as safe conditions as possible. To avoid spread, employers should ensure that employees, as far as possible:

- keep distance from one another;
- avoid unnecessary travel at and to work; and

- can adjust working hours to avoid travelling during rush hour (public transport).

There are no obligations regarding social distancing, masks, number of employees etc. The Swedish Public Health Agency recommends that 'as many people as possible shall continue to work from home'. The Agency recommendation also states that face masks must always be seen as complementary to other recommendations; stay home when you have symptoms, wash your hands regularly and keep distance from others.

We recommend employers ensure that there are adequate and accessible facilities to achieve good hygiene practices in the workplace and ensure physical distancing so far as it is reasonably practicable. This may require providing additional washing facilities to ensure there is an adequate number of hand washing stations in convenient locations. If there are limited hand washing facilities, employers could provide hand sanitisers in appropriate locations. Employers should also make sure that regular contact surfaces (such as handles, keyboards, sinks etc.) are cleaned frequently to minimise the risk of infection.

We recommend employers provide employees with guidelines on reducing the risk of spreading in the workplace, when to work from home and other matters. The organisational and social

work environment also needs to be addressed, meaning employees' anxiety about the coronavirus should be assessed and measures taken.

### ***Vulnerable employees***

The Government has maintained guidelines for people who are at higher risk of severe illness, includes individuals over 70 and/or people who have a disease that increases their risk (ongoing cancer treatment, obesity etc.). If the employee belongs to a risk group, the Public Health Agency of Sweden recommends:

- maintaining physical distance from other people;
- socialising outdoors;
- avoiding places such as shops and cafés where many people gather;
- avoiding travelling on public transport.

At present, there are no indications that pregnancy is a risk factor for severe illness from COVID-19. However, falling ill towards the end of the pregnancy might imply difficulties. It is therefore important to follow the Public Health Agency's advice on avoiding infection. It is recommended that pregnant women take extra precautions from week 36 and follow the recommendations thoroughly. In Sweden, a pregnant woman can start parental leave 60 days before the expected date of birth.

Alternative arrangements may apply to these people, such as continuing to work from home, temporary deployment to roles with physical distance and limited contact with other people, and/or taking leave. If eligible, the Government's aid to vulnerable employees, which aims to provide financial assistance for employees who are at higher risk of severe illness, may be relevant.

### ***Suspected cases***

There is no recommended/official procedure for dealing with suspected cases in the workplace, but if several employees are infected, the employer must assess if the workplace should be shut down to protect the health and safety of employees.

Once an employee has been confirmed sick, he/she must stay at home for at least seven days after becoming sick (see conditions for return to work, below). If the employee has no symptoms, but received a positive test result, he/she should stay home for seven days.

Given the incubation period of the coronavirus is two to 14 days before symptoms occur, keep in mind that more employees can be affected due to the high risk of spreading and encourage the employees to be vigilant about potential symptoms. More people will now be tested, but even if the tests are negative and they feel sick, they should stay at

home until two days after they are symptom-free.

The general principle is that homeworking is only possible if employer and employee agree. The employer is, however, responsible for the health of all employees and we are of the opinion that it would be possible to unilaterally require certain employees to work from home for a short appropriate period based on a suspicion the employee may be infected.

If such a decision is taken, the employee is still entitled to his/her salary and other benefits during the suspected infection. Even if the employee cannot work from home, the employer can demand he/she goes home. However, salary must be paid during the period.

#### ***Official notification***

COVID-19 is classified as a notifiable communicable disease and is therefore subject to mandatory contact tracing to limit the spread of infection. Thus, contact tracing should always be performed, but the extent can vary depending on individual circumstances and the current phase of the pandemic in the country or region. There is currently no obligation on employers to perform general contact tracing.

#### ***Communicating with your workforce***

It is important to bear in mind that information regarding employee's health and safety is regarded as sensitive

information and the employer needs to take measures to guarantee employees' privacy. When someone is off work due to infection, this should not be communicated to her/his colleagues, unless necessary. The employee must be informed about any such communication beforehand.

#### ***Return to work after recovery***

After the seven-day period of required absence, an employee must be symptom-free for two days before returning to work. If the employee was severely sick, and in hospital but not ICU, he/she must not return to work for at least 14 days, plus two symptom-free days. If treated in ICU, an individual assessment of fitness to return must be done by a doctor.

#### **4. How to organise homeworking for the long term**

Employers have the same responsibility for the work environment during homeworking as they do in general. This means employers must comply with the requirements of the Swedish Work Environment Act and the Swedish Work Environment Authority's various regulations. Initially, the employer must carry out a risk assessment to ensure that the employee is not exposed to sickness or accidents during homeworking.

The home office must be functional and ergonomic. The interior design and

technical equipment at the workplace should take into account the work to be carried out and what is economically possible. Solutions may vary depending on existing conditions. For regular homeworking, the home office should be equipped with, as far as possible, the relevant office supplies (screens, desk, chair, lightning, etc.). The employer is only responsible for costs directly attributable to the workplace.

Employers are also responsible for the social work environment, meaning employees should receive clear instructions on how the work should be carried out. Employers should ensure the workload is appropriate and take action in the event of any signs of ill health (such as stress). It is important employees pay attention to their own well-being during homeworking and notify their line manager in the event of signs of ill health.

If the employer can ensure that the work environment is secure and that other measures described above has been taken, the employer can direct the employee to work at the office. Concern about coronavirus is not a legitimate reason for working from home without the employer's consent.

We recommend, however, in the light of the recommendation from the Public Health Agency of Sweden that 'as many people as possible shall continue to work from home'. If an employee requests to work from home and if this can be

## Contact our specialist in Sweden



Sofia Lysén  
**Sweden**  
Elmzell  
[sofia.lysen@elmzell.se](mailto:sofia.lysen@elmzell.se)

arranged in a suitable manner, we recommend accepting the request.

Employees will not acquire a general right to work from home based on the fact they have worked from home for a time in the context of the coronavirus crisis. The place where the employee works is the place stated in his/her employment agreement. The employer also has the right to direct the work and can therefore direct employee either to work on-site or at home, see above.

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# Switzerland

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

On 19 June 2020, the Swiss government categorised the current situation as 'special' under the Swiss Epidemics Act and repealed the stringent lockdown measures which applied during the 'extraordinary situation' since 13 March 2020. Currently, the following lockdown measures apply:

- Obligation to wear a face mask for individuals travelling on public transport vehicles.
- Large-scale events with over 1000 individuals are prohibited.
- Obligation to go into quarantine for travellers from a country or area with a high risk of infection.
- Implementation of precautionary measures for publicly accessible establishments, schools and events.

In addition, the cantons may implement further restrictions on daily life which only apply within the cantonal territory in question. By way of an example, in the canton of Zurich, masks are currently mandatory in the interior of stores, shopping malls, markets, schools (for adults), municipal buildings open to the public, health care facilities and museums.

## 2. Local lockdowns and new national lockdowns

### **New lockdowns**

The Swiss government has eased its lockdown measures and there are

currently no new lockdown measures planned.

### **Government support**

There are currently no new lockdown measures envisaged. In addition, as of 1 September 2020, the majority of the extraordinary benefits granted to employers have ceased to apply. An exemption applies with respect to the so-called 'short-time working compensation' the maximum duration of which has been extended to 18 rather than 12 months. In addition, the simplified procedure for the grant of any short-time working compensation continues to apply until the end of December 2020.

## 3. How to keep workers safe in the office

### **Back in the office**

In Swiss employment law, the principle of 'no work, no pay' applies. This means that if an employee does not show up to work, no salary is owed. The law however provides for the following two exceptions in which the employee is entitled to continuous salary payment. They are that the employee is prevented from working due to either:

- the employer's failure to accept the employee's work performance;
- personal circumstances for which s/he is not at fault (e.g. illness, accident).

Accordingly, if the employee does not come to his/her workplace while neither of these exceptions apply, s/he is not entitled to be paid.

Please see, below with respect to the scenario where an employee insists on working from home based on concerns about coronavirus.

### **Setting up the workplace**

Since 22 June 2020, the recommendation from the Swiss government to work from home and specific requirements for protecting individuals at especially high risk have been lifted. However, based on the Swiss Labour Act and the Swiss Ordinance on measures during the Special Situation to combat the COVID-19 epidemic, employers are (still) required to ensure the protection of the health of their workforce. Employers must ensure that their employees are able to comply with the recommendations of the Federal Office of Public Health ('FOPH') regarding hygiene and social distancing. If the recommended distance cannot be maintained, measures must be introduced in accordance with the so-called STOP principle (substitution, technical measures, organisational measures, personal protective equipment), in particular the option of working from home, physical separation, separate teams or wearing masks. Within this framework, it is to be noted that employer must stay informed on the ongoing spread of the virus and take appropriate health and safety measures.

These measures include monitoring and complying with the guidelines and rules published by the authorities, namely the FOPH.

The following FOPH guidelines still apply:

- Keep your distance, for example: protect people at especially high risk 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.

For employers with businesses that are accessible to the public, formal sets of precautionary measures are necessary.

#### ***Vulnerable employees***

While the Swiss government recommends individuals at particularly high risk (employees over the age of 65, pregnant women or individuals with an underlying medical condition) protect themselves, employers are no longer required to adopt any special measures for these vulnerable employees. It goes without saying that employers are required to protect the health of all their

employees and therefore to implement appropriate measures where needed. Consequently, employers must decide on a case-by-case basis whether specific measures need to be implemented in order to protect the health of their vulnerable employees.

#### ***Suspected cases***

In the event that an employee suffers from any coronavirus symptoms (e.g. cough, sore throat, sudden loss of sense of taste), the employer should ask the affected individual to stay home and contact his/her doctor. No employee can be allowed to work while sick. If an employee feels sick while present at the workplace, the employer should send him/her home with a hygiene mask, ask him/her to follow the FOPH's recommendations and to contact his/her doctor.

If the employee's coronavirus test result is positive, the employee must go into quarantine, and take part in contact tracing in cooperation with public authorities. The infected individual's contacts will have to go into quarantine, too.

If you have legitimate grounds to suspect that one of your employees is infected you can require him or her to stay away from work. The individual in question should also be asked to take a coronavirus test.

#### ***Official notification***

At the time of writing, employers are not required to report any case infection among its employees to the authorities.

#### ***Communicating with your workforce***

The employer should inform staff that there was a case in the relevant team or department without mentioning the individual by name, unless the individual concerned has agreed to the disclosure of his/her name.

#### ***Return to work after recovery***

Based on the FOPH guidelines, the cantonal authority will inform the affected employee when his/her period of isolation ends. As a rule, the employee can only leave his/her home 48 hours at the earliest after the symptoms of the disease have subsided. However, in any case an employee may not leave home until at least ten days after his/her symptoms first appeared. As soon as the isolation period has ended, the employee can and should return to work.

#### **4. How to organise homeworking for the long term**

If an employee works from home at the employer's request, the employer must provide him/her with the necessary work equipment and materials, such as a computer, a telephone and office equipment etc. If, however, the employee provides his/her private work tools, s/he

## Contact our specialists in Switzerland



Roberta Papa  
**Switzerland**  
Blesi & Papa  
[roberta.papa@blesi-papa.ch](mailto:roberta.papa@blesi-papa.ch)



René Hirsiger  
**Switzerland**  
Blesi & Papa  
[rene.hirsiger@blesi-papa.ch](mailto:rene.hirsiger@blesi-papa.ch)

is entitled to adequate compensation. In addition, the employer must, in principle, reimburse the employee for necessary expenses incurred as a result of home-based work. These expenses include, among other things, costs for communication, internet, electricity, heating and may also include a contribution to rental costs. If, however, homeworking occurs at the employee's request, we uphold the position according to which the parties can agree that reimbursement of expenses is excluded from the homeworking arrangement.

As regards the employee's obligations in case of home office, the employee must continue to comply with Swiss employment law and his/her general duties (e.g. obligation to record his/her working time). In addition, the employee must comply with his/her confidentiality obligations and the Swiss data protection act and is, therefore, responsible for ensuring data security and preventing unauthorised access to any personal data and other sensitive and confidential data.

If the employer does not sufficiently implement the necessary measures in the workplace to protect the health of its employees, the employees may request to work from home. The right of an employee to work from home needs to be assessed on a case-by-case basis (measures implemented by the employer, health of the employee, etc.). Unless there is an agreement to the contrary, employees are not entitled to work from home based on the fact that

they have worked remotely for a specific period of time.

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# Turkey

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

Currently there are no national restrictions on daily life related to coronavirus.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Turkey has never been subject to a national lockdown; however, certain businesses and workplaces were closed or worked in limited hours during the coronavirus measures applied in Turkey.

In the event of a potential lockdown, the same or similar measures may be applied (e.g. closing barbers and hairdressers and shopping centres, limiting the working hours of groceries, limiting travel between cities, prohibiting certain people from leaving their houses etc.).

### *Government support*

The government applied the Economic Stability Package at the beginning of the Coronavirus epidemic and thus supported the businesses a range of measures. These are set out here <https://theword.iuslaboris.com/hrlaw/insights/turkey-implements-economic-stability-shield-package>.

## 3. How to keep workers safe in the office *Back in the office*

If the employer can prove that it has taken all the necessary precautions at the workplace in order to prevent employees from getting infected with coronavirus, the employer may require employees to come back to work. If an employee fails to comply with the employer's request, the employee's employment may be terminated by the employer for absenteeism without any just reason or excuse.

However, if the necessary precautions are not taken by the employer, the employee may reject a demand to come back to work and we are of the opinion that the employer is not entitled to terminate an employee in these circumstances.

### *Setting up the workplace*

Employers must also continue to implement the following measures until the threat of coronavirus is eliminated.

You must inform employees about the health and safety rules they must follow to avoid coronavirus, such as washing hands frequently with soap for at least 30 seconds, avoiding crowds, social distancing, wearing masks if they become sick, avoiding touching their face without washing hands, using hand sanitisers at the office and not sharing towels or glasses with those who have fallen sick.

It is important to keep employees informed and handle any cases of coronavirus calmly and in a way that does not lead to panic and disorder at the office. You should set up systems to enable employees to work remotely if the virus spreads. It is justifiable for employers to ask employees whether they are infected and/or whether they have recently travelled to a high-risk area, and this should be done as a way of protecting the employees. However, the employers cannot guarantee that people will always tell the truth and they may also refuse to tell the employers.

At the moment there is no way for employers to require an employee to be tested for the virus. The government advises people to check their health regularly and immediately go to hospital if they have symptoms. It has also issued advice about handwashing and sanitation and to avoid hugging, kissing and hand shaking.

### *Vulnerable employees*

Currently there are no measures being implemented by the government for vulnerable employees or vulnerable groups.

### *Suspected cases*

If a person becomes sick with a high fever, sore throat and cough, he or

she must be advised to stay at home and call the number provided by the government for directions.

You may inform the employee and request such employee not to come to work. In addition, with the current implementations based on coronavirus, you may send the employee on unpaid leave and this way, the employee will be prevented from entering the workplace and spread the coronavirus. However, there are no explicit rights granted to the employer to suspend the employee solely due to a suspicion on coronavirus.

#### ***Official notification***

Health data cannot be processed without the explicit consent of the data subject but there are exceptions if processing is necessary for the protection of public health. Therefore, we believe employers should immediately tell the authorities if there are coronavirus patients in the workplace.

#### ***Communicating with your workforce***

Other employees in the workplace should be followed up closely and warned to be careful. If an employee is diagnosed with coronavirus, others who have been in contact with them, including colleagues, must be quarantined to avoid spreading the disease.

In addition, if employees encounter a serious and imminent danger in the

workplace, they can notify the employer and request that necessary measures to counter it are implemented. The employer determines whether there is a danger and notifies employees. Employees can refrain from working on site until the appropriate measures are taken. If the serious and close danger is unavoidable, employees are entitled to leave immediately and go to a safe location. Employees' rights are not prejudiced under these circumstances.

#### ***Return to work after recovery***

There are no official provisions on how and when an employee can return to the workplace after a COVID-19 infection. It is reasonable for an infected employee to return to his/her work when his/her coronavirus test result is negative, provided that appropriate health and safety measures continued to be applied in the workplace.

#### **4. How to organise homeworking for the long term**

As per Turkish Code of Obligations, the employer is obliged to cover all kinds of expenses incurred by employees for the performance of their work and, if the employer employs employees outside of the workplace (e.g. remote working), the employer must cover the relevant expenses related to this homeworking. If an employee is employed under remote working, the employee's employment contract must include:

- the definition of the work to be performed by the employee;
- information on how employee will perform his/her duties;
- salary and salary payment information;
- the equipment provided by the employer and information on protection of this equipment;
- information on how the employer will communicate with the employee; and
- other employment terms.

Remote working employees cannot be treated differently from non-remote working employees by the employer unless there is a just reason (e.g. seniority difference etc.).

The employer is obliged to inform the remote working employee of all relevant precautions regarding health and safety taking the duties to be performed by the employee into consideration and train the employee accordingly. The employer must provide health and safety supervision and take health and safety precautions in relation to the equipment provided. Other than the above, the main principles of Turkish employment law will apply.

Employees can request long-time remote working based on their concerns on coronavirus; however, we are of the opinion that the employers are not obliged to fulfil such request. It is not likely that employees will acquire a right to work at home based on the fact that they have done so for a certain time

**Contact our specialist in  
Turkey**



Batuhan Şahmay  
**Turkey**  
Bener Law Office  
[batuhan.sahmay@bener.com](mailto:batuhan.sahmay@bener.com)

in the context of the coronavirus crisis:  
employers retain the right to recall  
employees to work at the workplace.

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# Ukraine

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

The quarantine that was introduced back on 12 March 2020 has been extended until at least 31 October 2020. Employers are recommended to request their employees to work from home. Employer remain liable for work safety during homeworking.

Starting from 20 May 2020, the Government has announced an adaptive quarantine that applies different restrictions to different regions of Ukraine depending on their epidemiological situation. All regions are divided into green, yellow, orange, and red zones, with the measures in zones amended on a weekly basis. Under the adaptive quarantine, most of the previous restrictions have been lifted for the green zone, whereas in other zones restrictions still apply. Schools and universities in green, yellow, and orange zones will be opened, while those in a red zone will teach online.

Since 15 June 2020, air service has been restored in 13 airports. All passengers on public transport are required to wear masks. The number of passengers in public transport vehicles must not exceed the number of seated places. Intercity connection, shops, pharmacies, gas stations, cafes, sport clubs, and banks have been restored in the green zone. Nightclub and leisure activities remain prohibited in all zones.

The most recent restriction imposed by the Government bars foreign nationals from entering Ukraine until 28 September. There are some exceptions for foreign nationals who have a residence or work permit, are performing military service or undergoing medical treatment in Ukraine, as well as for diplomatic employees and professional athletes, who are participating in official competitions.

The dates of reopening and types of lifted restrictions depend on the zone:

- Green zone: people must wear masks in public buildings and transport. Mass events may be held with no more than one person per five square metres. Cinemas can screen films at maximum 50% occupancy. Public transportation is allowed only within seating capacity.
- Yellow zone: visits to nursing homes and hospitals for the elderly are prohibited. All green zone restrictions also apply.
- Orange zone: hostels, tourist bases, and other accommodation establishments except hotels remain closed. Entertainment facilities are closed, while restaurants can only operate during the day. All gyms, fitness centres and cultural institutions are also closed. Public events are restricted to one person per 20 M<sup>2</sup> and no more than 100 people. All green and yellow zone restrictions also apply.

- Red zone: public transport shall not operate. All universities, schools, shopping malls, cafes and restaurants remain closed. All green, yellow, and orange zone restrictions also apply.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

Businesses in orange and red zones are limited in their operation and may be closed entirely if the coronavirus situation gets worse. Every seven days the authorities review the measures in each region, while the Government changes regional division into zones every 14 days and eases or tightens quarantine restrictions. These decisions adopted every two weeks are crucial for the operation of businesses.

### *Government support*

Support for business includes:

- temporary release from the obligation to pay the social security contributions for SMEs, professionals, and farmers;

- temporary cancellation of fines for violations of tax legislation and late or incomplete payment of the social security contributions;
- temporary exemption from taxation for unemployment income for the period of quarantine;
- a temporary moratorium on tax audits and other planned state control measures.

The Government has announced a credit support programme for businesses to save employment placements and recover economic situation: 'affordable loans 5-7-9%'. Some local authorities have also launched their own programmes to support local businesses.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

Employees are entitled to refuse to perform their working duties if this is due to the risk to their health and life. Apart from this, employees can take an unlimited number of unpaid leave days within the quarantine period.

#### ***Setting up the workplace***

Organisations must conduct their business in line with the sanitary rules adopted by the Ukrainian Government. Companies allowed to do business must comply with the following rules:

- social distancing: one customer/employee per 10 M<sup>2</sup>;
- sanitary treatment (cleaning) of premises (twice a day);
- more frequent ventilation of work premises: not less than once in two hours
- provision of informational material about health and safety at work;
- access to office space exclusively in masks or respirators;
- availability of disinfectants, liquid soap and other hygiene tools;
- installation of 1.5 metre distance markings in front of the entrance to the office.

Businesses are recommended to screen employees' and customers' temperature.

#### ***Vulnerable employees***

Employers have no specific responsibilities in relation to vulnerable employees. The Government recommends people above the age of 60 work at home if that is possible. In the yellow zone, visits to nursing homes and hospitals for the elderly are prohibited. Local authorities are recommended to take additional measures to identify and care for single people, the elderly, individuals with disabilities, and individuals who are self-isolating.

#### ***Suspected case***

Ukrainian law does not require employers to test employees' health. Furthermore, employers are not entitled to require employees to disclose their health-related information. Municipal authorities and State Labour Service recommend employers screen employees' temperature and send them home if they have a fever or seem to be sick. You are entitled to require an employee not to come to work if you think they may be infected, and to see a doctor. If an employee is infected and keeps on coming to the office, you must suspend them from work.

#### ***Official notification***

There is no notification obligation, while local authorities only recommend notifying hospitals, the State Labour Service, and the State Service for Food Safety and Consumer Protection, or their local divisions.

#### ***Communicating with your workforce***

Infection information contains sensitive personal data, which the employer can't communicate without the employee's consent or other grounds for its lawful processing. During quarantine, it is only permissible for doctors and state authorities to process this information without consent. Nevertheless, employers



## Contact our specialist in Ukraine



Oleksandr Melnyk  
**Ukraine**  
Vasil Kisil & Partners  
[melnyk@vkp.ua](mailto:melnyk@vkp.ua)

may communicate infection information to the workforce in an anonymised form: that is, without mentioning the infected employee's name or any other data that would allow him/ her to be identified.

### ***Return to work after recovery***

An infected worker can return to work after two negative tests in a row, but no earlier than 14 days after testing positive.

### **4. How to organise homeworking for the long term**

An employee may choose homeworking for a long term by concluding an agreement in writing with his/her employer. In the period of pandemic or epidemic, homeworking can be unilaterally introduced by the employer.

Employers must provide free equipment to homeworkers or compensate employees for depreciation of their own equipment. The amount of compensation must be agreed by the parties. Reimbursement of other expenses (electricity, water, etc.) is not obligatory but may be agreed by the parties.

Homeworking employees can distribute their working time at their own discretion and are not required to obey internal work regulations, unless otherwise provided in their employment contracts. The total number of working hours may not exceed the normal statutory maximum.

During homeworking, the employer remains responsible for occupational health and safety rules. You must undertake all precautionary measures (training, instructions, etc.) to prevent employees from suffering any work accidents at home.

Employees can request long-term homeworking based on concerns about coronavirus, but ultimately the decision will depend on reaching an agreement with the employer. The homeworking regime, as well as working hours, monitoring, and other conditions must be specified in the agreement between employer and employee.

Employers can currently instruct employees to work from home if an epidemic or pandemic threat arises. In other cases, employers and employees must agree on this work regime. Once established by agreement, the right to work at home becomes an 'essential employment term', or acquired right, of the employee. The employer may withdraw this right on two months' notice, provided it can demonstrate business reasons for requiring the employee's return to office.

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# United Arab Emirates

Last updated:  
7/9/2020

## 1. Restrictions on national daily life

As of 30 August 2020, all nurseries, schools and universities across the UAE have re-opened for in-class learning. There are, however, certain temporary and Emirate-specific measures still in place to safeguard and facilitate a smooth return. For example, in Dubai and Sharjah, schools can and should provide 100% distance learning provision as a temporary measure, in the new academic year for parents who request it. This is intended to help ease parents and children into a return to face-to-face learning. In Abu Dhabi, schools have been given the choice to choose from five reopening models to balance between in-class learning and online learning, from full day face-to-face to a blended hybrid model. In all cases, the provision of face masks is mandatory in addition to social distancing and preventative and disinfection measures. Teachers and students were all required to undergo COVID-19 testing prior to school re-opening.

As of 5 September 2020, residents and visitors can enter the Emirate of Abu Dhabi within 48 hours of receiving a negative PCR or DPI test result. DPI test results no longer require a prior PCR test. Residents and visitors who enter and stay in Abu Dhabi for over six consecutive days must now take a PCR test on the sixth day of each visit, to protect the health and safety of the community. Abu Dhabi remains the only Emirate in the UAE to have maintained stringent

precautionary measures despite the general countrywide lifting and easing of restrictions.

There are still broad-brush restrictions on residents' activities, including respecting precautionary health and safety measures, social distancing, wearing face coverings (gloves are optional) and limits on social gatherings. Failure to abide by these measures can lead to stringent fines depending upon the violation and whether it is isolated or reoccurring (e.g. non-compliance with the mandatory face mask provisions attracts a fine of AED 3,000, approx. USD 800).

For companies operating under the remit and control of the Ministry of Human Resources and Emiratisation (MOHRE), a 100% return to the workplace model is permitted, although many employers are maintaining the work-from-home model. For employees working remotely, employers must comply with remote working-specific guidelines including procuring the equipment necessary to facilitate home/remote working. On 11 June 2020, the Dubai International Financial Centre (DIFC) Authority announced that DIFC companies were able to operate at 100% capacity subject to the maintenance of adequate precautionary and social distancing measures. On 11 August 2020, the Abu Dhabi Global Marketplace (ADGM) Authority advised that ADGM companies ensure no more than 60% of the workforce work from the employer's registered office (except supermarkets,

grocery stores, pharmacies, hospitality, food establishments providing delivery, security, maintenance, cleaning, infrastructure management and construction). ADGM employees who are primary carers of nursery age children are exempted from returning to the office.

With the exception of precautionary measures for entry into Abu Dhabi (see above), all other major national restrictions have been gradually lifted throughout the UAE since 24 June 2020. No more curfews have been implemented, adopted or applied, the requirement to procure and obtain pre-approved movement permits has been abolished and return to work at 100% capacity is now permitted.

## 2. Local lockdowns and new national lockdowns

### *New lockdown*

There are no plans as at the current time to re-impose previous lockdown measures or restrictions.

### *Government support*

The UAE Government has not historically offered any state subsidy support to employers to cover employee salaries (whether in whole or part) as a result of the (previously mandated) lockdown measures. It is unclear therefore whether any new lockdown measures (if introduced) will result in the introduction of any state subsidy schemes.

### **3. How to keep workers safe in the office**

#### ***Back in the office***

Where an employee raises a legitimate and valid concern about returning to work (for example, an underlying health condition impacting the employee's immune system and/or rendering them more susceptible to infection; or concerns regarding the health and safety of vulnerable elderly cohabitants), employers are generally encouraged to listen to these concerns and consider whether they can accommodate the employee's request(s). Where an alternative arrangement is possible and agreed, it should be documented in writing and signed by both parties.

Strictly speaking, if an employee refuses to return to work without a legitimate and/or valid reason, this could be deemed an unauthorised absence and expose the employee to disciplinary action. Generally, employees should be contacted regularly and advised of the consequences of a failure to return to work which, in certain circumstances, could be grounds for instant dismissal for cause. As each case will turn on its own specific facts, it is strongly recommended that legal advice be sought.

In the ADGM specifically, ADGM employers must not place pressure on, or penalise, employees who are unable to return to the office if they do not meet the eligibility criteria for returning to work. The ADGM Authority monitors compliance

with various precautionary COVID-19 measures and non-compliance may result in a financial penalty of up to USD 10,000.

#### ***Setting up the workplace***

Employers continue to be subject to a legal (and moral) imperative to ensure the safety, health and welfare of employees. Temperature checks on employees must be undertaken at the workplace at the start of work. Other precautionary measures, from social distancing to wearing face masks, and access to and the availability of sanitation tools and equipment, are imposed. Employee capacity restrictions have been abolished (save for in the ADGM) but it is still common for employers to maintain capacity caps to facilitate a smooth return to work.

#### ***Vulnerable employees***

For the UAE and DIFC, there is no legal directive specifically mandating vulnerable/at risk category personnel (pregnant employees, those aged over 55, disabled employees and those with underlying health conditions such as respiratory or chronic diseases/illnesses) be prohibited from returning to work. However, the MOHRE has, in its remote working guidelines and directives, stated that employers should prioritise these employees for remote work where they have requested to continue to work from home and/or where their work/job does not strictly necessitate or require physical

presence and can be performed remotely. It does not strictly mandate remote working for them; but they should be treated preferentially (this is recommended in any event from a H&S perspective to minimise or eliminate negative or exacerbated health consequences/exposure of a return to work).

In the ADGM, employees suffering from a medical condition (including immunodeficiency, respiratory diseases (including but not limited to asthma), kidney or heart issues, or any other chronic diseases, including high blood pressure, diabetes, cancer and chronic inflammation) must work from home.

#### ***Suspected cases***

Employers continue to be subject to a legal (and moral) imperative to ensure the safety, health and welfare of employees. The results of the tests will only be disclosed to the employee (not the employer directly). The employee should then provide the results to the employer, who can then take the necessary measures. If there is a genuine suspicion that an employee is displaying symptoms of the virus, the employer and the employee have a mutual duty to ensure the appropriate health authority is notified and the employee is tested to confirm a positive or negative COVID-19 diagnosis. During this time, the employee should be told not to report to the office until the results of the medical test are available

## Contact our specialist in the UAE



Samir Kantaria  
UAE  
Al Tamimi & Co  
[s.kantaria@tamimi.com](mailto:s.kantaria@tamimi.com)

and following consultation with the employer (based on test results).

### ***Official notification***

You have a legal obligation to notify the applicable health authority in the emirate in which your organisation is operating in the event that you suspect an employee has coronavirus or is displaying symptoms of coronavirus. A failure to do so can result in imprisonment and/or fines (up to AED 10,000). Employees are also separately under a statutory personal duty not to transmit the disease (even if they are asymptomatic), not to travel outside their homes if they suspect they have coronavirus, to seek medical treatment and not to break any mandated quarantine period. Penalties for breach can vary but typically include monetary fines (up to AED 100,000) or imprisonment (up to five years).

### ***Communicating with your workforce***

In such cases, as a precautionary health and safety measure, and without revealing the name of the infected employee, employers should apply their emergency response procedures including promptly ascertaining who the infected employee may have come into contact with, notifying these staff of potential exposure, requesting they get medically screened, confirm medical clearance (or otherwise) and remain away from the place of work (assuming they are not otherwise working from home). Internal staff-wide

communications might be required such as office closures whilst interim measures are applied and adopted (e.g. office sterilisation). Additionally, communications with and to the applicable health authority will involve other prescribed steps specific to the circumstances for the employer to undertake.

### ***Return to work after recovery***

Only once medical clearance has been formally granted to the employee by the applicable health authority and communicated to the employer should the employee return to the workplace (after consultation with the employer).

### **4. How to organise homeworking for the long term**

With the exception of specific ADGM provisions on remote working for prescribed categories of employees (see above), there are no specific laws mandating and/or regulating homeworking in the UAE or as a consequence of COVID-19. The extent to which homeworking for the long-term is feasible or not is largely a business decision. Various employers across different industry sectors are adopting and/or applying atypical working arrangements including remote working following the extensive lockdown measures. Where these measures will apply for the long-term, employers should ensure that employees have the necessary tools and equipment to

perform their day-to-day functions and that they are reminded that existing employer policies such as those connected to productivity, health and safety and IT communication remain in full operation and effect.

This will largely be dependent upon the specific concerns in question: are they genuine concerns such as underlying health conditions or concerns about potentially exposing the coronavirus to vulnerable elderly family members residing with them? The extent to which long-term homeworking is feasible or not will be driven by these specific concerns, whether alternative measures can be adopted or applied to mitigate the employee concerns and/or general consultation and dialogue with employees to put into place appropriate mechanisms or arrangements for homeworking where other alternatives are unavailable or prove inadequate. These arrangements should be clearly documented in writing by the parties.

There is no risk of a right to work at home arising if workers work from home for a certain amount of time, as the current working from home arrangements reflect a unique situation both in terms of their operation and application.

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# United Kingdom

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

The government published its 'roadmap' for gradually easing lockdown and getting the economy moving on 11 May. The guidance that office staff should continue to work from home if at all possible, changed from 1 August. From 1 September, schools reopened.

Current government guidance advises employees with symptoms of coronavirus (however mild) or who have tested positive should self-isolate for ten days.

Individuals:

- sharing a household with others who have symptoms or have tested positive for Coronavirus;
- who are told to do so by the national health service 'test and trace' scheme; or
- who are required to quarantine under public health measures at the UK border;

should self-isolate for 14 days.

Employers in certain sectors were ordered to close and have not yet been permitted to reopen, including certain entertainment venues. Legislation makes it illegal for these sectors to operate.

The government has introduced a 'rule of six' on social distancing, prohibiting social gatherings of more than six people from outside a single household from 14 September. There are increased penalties for failing to comply.

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Where there has been a surge of coronavirus cases, the government has reintroduced restrictions on a localised basis. As national lockdown eases further, local lockdowns are likely to become more common and could impact whole regions, cities or smaller communities, or just individual workplaces, schools or blocks of flats. Businesses will not necessarily need to close just because they are inside an area under local lockdown, but they may have to and employees who can do so, may be required to work from home again.

If schools close or travel restrictions are imposed, many staff will be unable to get to work even if the workplace remains open.

### *Government support*

The government has not offered additional support to businesses subject to local lockdowns.

## 3. How to keep workers safe in the office

### *Back in the office*

Employers can now ask employees currently working from home to return to work provided all steps have been taken

to ensure the workplace is COVID-19 secure, although the guidance emphasises that working from home remains one way to ensure that people are working safely. The government has produced sector-specific guides on working safely during coronavirus covering a range of different types of workplace. Businesses with office-based staff can start consulting employees about a possible return to the office.

Particular care will be required when dealing with employee objections to a return in cases where working from home has been successful over the past few months. If employees are unwilling to come to work because of COVID-19 concerns and they have a reasonable belief they are in serious and imminent danger then, depending on the circumstances, they may be entitled to stay at home on full pay. Employers will also need to tread carefully where an employee has a particular vulnerability, is living with someone who is vulnerable, has caring responsibilities or relies on public transport. Employers should check that their return to work plans do not disadvantage certain protected groups, for example that the arrangements for moving around the building do not disadvantage disabled employees.

Refusing to allow employees to stay at home, or disciplining them for not attending work, could lead to legal claims. Employers can limit the risk of claims if they do not act unreasonably, follow

government guidance, and employees are not placed at undue risk.

### ***Setting up the workplace***

On 11 May, following consultation with large businesses, employer groups and trade unions, the government issued detailed guidance on working safely during coronavirus. This included eight separate guides covering a range of different types of work: construction and other outdoor work; factories, plants and warehouses; homes, labs and research facilities; offices and contact centres; restaurants offering takeaway or delivery; shops and branches; and vehicles. This has been extended and now covers 14 different types of work. Generally, you have a duty to take steps that are reasonably necessary to ensure the health, safety and welfare of all your employees. Take simple precautions such as following and enforcing social distancing requirements where possible, strictly limiting work trips to those that are absolutely essential, educating staff on hand and respiratory hygiene, conducting risk assessments and following government self-isolation guidance. Face coverings are not currently required in the workplace but if workers choose to wear them they should be supported. You should consider how best to assess risks adequately in relation to continued home working and provide guidance and information to homeworkers on health and safety risks.

### ***Vulnerable employees***

The government recognises two groups of vulnerable people: those who are clinically extremely vulnerable (who had been advised to self-isolate) and those who are clinically vulnerable. From 1 August, the general advice to self-isolate for those who are clinically extremely vulnerable (including pregnant women with heart disease) no longer applies and these individuals will no longer be entitled to statutory sick pay if they remain at home. The latest government guidance says they can return to their workplace, providing COVID-19 secure guidelines are in place, but should work from home wherever possible. If clinically extremely vulnerable individuals cannot work from home, they should be offered the option of the safest available on-site roles, enabling them to maintain social distancing guidelines.

Clinically vulnerable people (including pregnant women and the over-70s) who cannot work from home can return to work but must take extra care with social distancing. Although the most recent guidance no longer suggests they should be offered the safest on-site roles, which instead should be offered to any clinically extremely vulnerable individuals, it would still be good practice as part of the employer's general health and safety obligations to prioritise the clinically vulnerable for the safest roles over anyone who is not vulnerable.

Remaining at home on pay, working from home or taking unpaid leave is currently a better approach for vulnerable employees if they are unhappy about returning to work, given the legal risks.

Employers must assess the specific risks to pregnant employees and, where these are identified, do all they can to prevent or remove them. If you cannot ensure safe working conditions, you should temporarily alter the pregnant employee's working conditions or hours, provide suitable alternative work on the same terms and conditions or (as a last resort) suspend the employee on full pay.

The government guidance refers to employers involving and communicating appropriately with workers whose protected characteristics might expose them to a different degree of risk. It is not clear who this is referring to, but it might include older men and BAME workers based on the emerging reports about the impact of COVID-19. Employers need to keep the medical evidence and government guidance under review but should currently try to avoid making decisions purely on the basis of protected characteristics, except in relation to pregnancy and the over-70s (who are included in the list of vulnerable groups).

### ***Suspected cases***

Employers should draw up a plan for dealing with a suspected case of coronavirus in the workplace. This should include the steps that need to be taken if

someone has symptoms, including identifying somewhere they can be safely isolated and planning how they can be safely transferred from there to their home or a health facility. The workplace does not necessarily have to close but the employer should follow the government's advice on cleaning and disinfection.

Employers should also consider whether they have appropriate insurance cover in place in case anyone does become infected through attending the workplace.

Employees with COVID-19 symptoms can ask for an NHS test. In the meantime, they must self-isolate for ten days and should not attend the workplace. Employees should be reminded of this and encouraged to contact the employer if they exhibit symptoms so that it can consider whether it is appropriate to contact anyone they were working with. Employers should support staff who need to self-isolate by arranging for them to work from home, if possible, or paying them any sick pay to which they're entitled, and by supporting their mental health and wellbeing.

If there is an identified risk that an employee may have been exposed to COVID-19 but the employee does not fall within the government's self-isolation advice then, given its health and safety duties toward other employees, the employer may wish to keep that employee away from the workplace until the risk has passed. The employee is

likely to have a right to continue to receive full pay. It is unlikely to be a breach of contract to require an employee to stay at home in these circumstances, assuming there are reasonable and non-discriminatory grounds for concern, and the matter is dealt with appropriately, proportionately and sensitively.

An employer can encourage employees to take a COVID-19 test, but there are data protection risks in insisting employees take tests and reveal the results. Where the employee should self-isolate because they are in a shared household with someone who has symptoms, the employer may also require them not to attend work and they would be entitled to statutory sick pay. It is arguable that they are not 'able' to work because of the government guidance and so are not entitled to full pay if they try to come to work and the employer sends them home. Employers may choose to pay them full pay, however, to encourage them to abide by government advice.

#### **Official notification**

COVID-19 is a reportable disease under RIDDOR (Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013). An employer must make a RIDDOR report in respect of COVID-19 when:

- An unintended incident at work has led to someone's possible or actual exposure to coronavirus

(e.g. accidental exposure in a laboratory). This must be reported as a dangerous occurrence.

- A worker has been diagnosed with COVID-19 and there is reasonable evidence that it was caused by exposure at work. This must be reported as a case of disease.
- A worker dies as a result of occupational exposure to coronavirus.

Where there is more than one case of COVID-19 in a workplace the employer should also contact their local health protection team to report the suspected outbreak.

#### **Communicating with your workforce**

Employees do not have a right to be notified if a colleague has suspected or diagnosed COVID-19. Employers owe the colleague a duty of confidentiality and data privacy obligations which would ordinarily mean that you should not disclose details about their health. But you also have a duty of care and health and safety responsibilities towards your other employees. Try to balance these obligations by warning individuals who have been in contact with any suspected or confirmed case of COVID-19 without revealing the name of the colleague and, if that is not realistic, do not reveal any information more widely than necessary.

## Contact our specialists in the UK



Michael Burd  
**United Kingdom**  
Lewis Silkin LLP  
[michael.burd@lewissilkin.com](mailto:michael.burd@lewissilkin.com)



Bethan Carney  
**United Kingdom**  
Lewis Silkin LLP  
[bethan.carney@lewissilkin.com](mailto:bethan.carney@lewissilkin.com)

### ***Return to work after recovery***

Employees with symptoms of coronavirus (however mild) should self-isolate for ten days. They cannot attend the workplace during this period.

### **4. How to organise homeworking for the long term**

Employers have the same health and safety obligations to those who work from home as to any others. This includes a responsibility to safeguard homeworkers' mental health and wellbeing. It is recommended employers undertake a homeworking risk assessment to consider measures for keeping in touch and monitoring wellbeing; type of work being undertaken and working hours; whether the work can be done at home safely and whether any control measures should be put in place to protect the homeworker, for example ensuring employees take screen breaks or providing eye tests.

Employers should provide temporary homeworkers with advice on completing a basic workstation assessment at home. As any period of temporary homeworking extends, employers should complete more comprehensive risk assessments and have regular discussions with workers to assess whether additional steps are needed, for example where they report discomfort or have a disability.

Employees can claim tax relief on extra costs incurred due to necessary

homeworking expenses. Employers may also agree to cover costs associated with working from home, such as the costs of purchasing equipment.

If employers intend to monitor the use of electronic communications whilst employees work from home, they should make this clear to employees and ensure they comply with their data protection obligations.

All employees with at least 26 weeks' service can make a flexible working request, which their employer must deal with in a reasonable manner within three months. Such a request could be to work from home on a permanent basis. The employer can reject a request for one of eight business reasons. Many employees who have been working from home may feel that they have proven to their employer that they can work productively from home. Employers will therefore need evidence as to why continuing to allow this would not work for the business in the long term if it rejects a request. Refusing a flexible working request from an employee who is protected by discrimination legislation, for example because they are disabled or have caring responsibilities, often risks discrimination claims. Disabled people, who may be clinically vulnerable to COVID-19, could ask to work from home as a reasonable adjustment to working arrangements, a refusal of which by the employer might amount to unlawful disability discrimination.

If the employer said expressly that homeworking arrangements were temporary in response to the pandemic, it may be difficult for an employee to successfully argue that they had a permanent right to work from home. Note that the guidance mentioned above has been published by the Westminster government but is intended to help all businesses in the UK. Scotland, Wales and Northern Ireland have, however, published their own (broadly similar) guidance. Employers with employees based in Wales should note that it is a legal requirement for employers to take all reasonable measures to maintain physical distancing.

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# United States

Last updated:  
8/9/2020

## 1. Restrictions on national daily life

The US federal government has not imposed a nationwide lockdown; however, many state and local governments have issued such orders. Restrictions vary. Information on state and major municipality orders is available [here](#).

A majority of states have started to relax coronavirus restrictions, allowing certain business to reopen. A map detailing each state's restriction easing is available [here](#).

## 2. Local lockdowns and new national lockdowns

### *New lockdowns*

Several states and communities have paused reopening efforts based up an uptick in infection rates.

### *Government support*

The US federal government provided various aid packages through the CARES Act, signed into law on 27 March 2020.

## 3. How to keep workers safe in the office

### *Back in the office*

An employee cannot generally refuse to return to work. For an employee who was receiving unemployment benefits as a

result of coronavirus, a refusal could result in termination of unemployment benefits. However, an employer may not discriminate against an employee who exercises his or her right under the Occupational Health and Safety Act ('OSHA'). Under OSHA, an employee may refuse to come to work if s/he asked the employer to eliminate a hazard in the workplace but the employer failed or refused to do so.; s/he has a good-faith belief that an imminent danger exists; a reasonable person would agree there is real danger of death or serious injury; and there is no time to get the hazard corrected through appropriate channels.

Employees may refuse to return to work because they believe they are at a higher risk due to a pre-existing medical condition. If the pre-existing medical condition is a 'covered disability' under the ADA, the employer should engage in the interactive process with the employee and provide reasonable accommodation, if any, that does not constitute undue hardship to the employer

### *Setting up the workplace*

The category of businesses permitted to reopen, and their obligations depend on each state's orders and local laws. Generally, employers are encouraged to take the following steps:

**Provide** education on the proper method for washing hands.

**Post** reminders in key areas on the proper way to prevent the spread of germs, such as using hand sanitiser containing at least 60-95% alcohol and covering your mouth with tissue (or an elbow or shoulder if no tissue is available) when coughing or sneezing.

**Ensure** tissues, hand sanitiser and disposable wipes are readily available for employee use. Consider providing no-touch waste receptacles.

**Encourage** employees to work remotely if feasible.

**Ensure** employees are aware of the importance of not reporting to work if they are ill and/or experiencing fever, cough, shortness of breath, sore throat, runny or stuffy nose, headache, and fatigue.

**Notify** employees they will be sent home immediately if they report to work ill or become sick during the workday and will be separated from other employees in accordance with Center for Disease Control health guidelines.

If an employee is confirmed to have coronavirus, employers should **inform** fellow employees of their possible exposure to it in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

**Communicate** to employees that the organisation is monitoring the virus outbreak and will take proactive steps as

necessary to protect their health. Decisions will be based on the best available information.

You may choose, if not legally required to do so (by state or local orders), to require employees to wear masks. Generally, if you require masks be worn, you should provide them. If the masks can be cleaned by hand or in regular laundry, then employers would not be required to compensate employees for cleaning (state or local laws may require this).

According to the US Equal Employment Opportunity Commission (EEOC), employers can test on-site employees for coronavirus as a condition of entering the workplace and may conduct temperature checks on employees returning to work. Employers should ensure tests are accurate and reliable.

### ***Vulnerable employees***

Workers who have been advised by a healthcare provider to remain out of the workplace because they are in a vulnerable group may be eligible for FMLA leave or a reasonable accommodation under the ADA.

### ***Suspected cases***

Per the Centers for Disease Control (CDC), in most cases, employers do not need to shut down a facility, but it is recommended to close off any areas used for prolonged periods of time by the

sick person and wait 24 hours before cleaning and disinfecting to minimise potential for other employees being exposed to respiratory droplets. If waiting 24 hours is not feasible, wait as long as possible.

Follow the CDC cleaning and disinfection recommendations [here](#):

- Clean dirty surfaces with soap and water before disinfecting them.
- To disinfect surfaces, use products that meet the Environmental Protection Agency criteria for use against SARS-Cov-2, [here](#), the virus that causes COVID-19, and are appropriate for the surface.
- Be sure to follow the instructions on the product labels to ensure safe and effective use of the product.
- You may need to wear additional personal protective equipment (PPE) depending on the setting and disinfectant product you are using.

In addition to cleaning and disinfecting, employers should determine which employees may have been exposed to the virus and need to take additional precautions:

- Employees who test positive for COVID-19 (using a viral test, not an antibody test) should be excluded from work and remain in home isolation if they do not need to be hospitalised. Employers should provide education to employees on what to do if they are sick.

- Employers may need to work with local health department officials to determine which employees may have had close contact with the employee with COVID-19 and who may need to take additional precautions, including exclusion from work and remaining at home.
- Most workplaces should follow the [Public Health Recommendations for Community-Related Exposure](#) and instruct potentially exposed employees to stay home for 14 days, telework if possible, and self-monitor for symptoms.
- Critical infrastructure workplaces should follow the guidance [Implementing Safety Practices for Critical Infrastructure Employees Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#).

Sick employees should follow CDC-recommended steps. Employees should not return to work until they have met the criteria to discontinue home isolation and have consulted with a healthcare provider. Antibody test results should not be used to make decisions about returning persons to the workplace. You may require that employees who have symptoms of coronavirus remain out of the workplace.

### ***Official notification***

Organisations should report illnesses as required by applicable law. For the

## Contact our specialists in the US



Jeffrey D. Mokotoff  
**United States**  
FordHarrison  
[jmokotoff@fordharrison.com](mailto:jmokotoff@fordharrison.com)



Rick Warren  
**US**  
FordHarrison  
[rwarren@fordharrison.com](mailto:rwarren@fordharrison.com)

duration of the coronavirus crisis, all employers must report any confirmed coronavirus diagnosis that is both work-related, and involves OSHA general recording data to OSHA. OSHA recognises that certain employers may have difficulty assessing whether workers who contracted coronavirus did so due to exposure at work, given the possibility of community transmission. Employers of workers in the healthcare industry, emergency response, and correctional institutions must continue to make work-relatedness determinations pursuant to OSHA. OSHA will only require other employers to report coronavirus illnesses where:

- There is objective evidence that a case may be work-related. This could include a number of cases developing among workers who work closely together without an alternative explanation; and
- The evidence was reasonably available to the employer. Examples include information given to the employer by employees, or information an employer learns regarding employees' health and safety in the ordinary course of managing its business.

Employers may share information with public health authorities and other government organisations to enable them to carry out their responsibilities.

### ***Communicating with your workforce***

If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Employers may not provide names of infected employees, but general notice is appropriate so employees can monitor themselves for symptoms and seek medical treatment if needed.

### ***Return to work after recovery***

The CDC is no longer recommending a test-based strategy to determine when to discontinue home isolation, except in certain circumstances.

Individuals who have symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:

- At least ten days have passed since symptom onset; and
- At least 24 hours have passed since resolution of fever without the use of fever-reducing medications; and
- Other symptoms have improved.

Individuals with severe illness may produce replication-competent virus beyond ten days, that may warrant extending duration of isolation for up to 20 days after symptom onset.

Individuals who never develop symptoms may discontinue isolation and other precautions ten days after the date of their first positive test.

### **4. How to organise homeworking for the long term**

Employers should ensure that they clearly communicate the requirement for employees who are not exempt from overtime under the Fair Labor Standards Act to accurately record all hours worked. The US Department of Labor stated in the Family First Coronavirus Relief Act rulemaking that an employer that allows employees to telework with flexible hours during the COVID-19 emergency does not need to count as hours worked all the time between an employee's first and last principal activities in a workday.

An employee's request to continue working from home may trigger an employer's obligation to engage in the interactive process to determine whether a reasonable accommodation needs to be provided.

It is possible that employees who request the option of working from home as a reasonable accommodation may use the fact that they worked at home during a period of quarantine as evidence that such an accommodation does not pose an undue hardship for the employer to provide.

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# Venezuela

Last updated:  
10/9/2020

## 1. Restrictions on national daily life

On 13 March 2020, the National Executive issued Decree No. 4,160 (the 'Decree') declaring a state of emergency in view of the health and security risks deriving from the coronavirus pandemic. The state of emergency was originally meant to last for 30 days, but the National Executive has been extending it, for additional 30-day periods.

*Quarantine:* On 16 March 2020, the National Executive announced a nationwide quarantine and imposed restrictions in moving among states and municipalities, which continue to be in force. Curfews have been imposed in some states and municipalities. The national quarantine also involves the suspension of public shows, exhibitions, concerts, conferences, sports and any other public events. The Decree imposes the mandatory use of face masks in all public places and establishes quarantine and isolation of confirmed and suspected coronavirus cases.

*Schools:* The Decree suspended all school and academic activities from 16 March 2020. Local authorities and public and private educational institutions are coordinating academic reprogramming and distance education platforms.

*Workplace:* Labour activities continue to be suspended since 16 March 2020. Certain sectors deemed essential are excluded from this nationwide suspension, including health services,

police, telecommunications and media, fuel sales and gas stations, medical supplies, pharmaceutical services, food supply and water distribution. Restaurant delivery and take-out services are permitted.

Effective 1 June 2020, the National Executive announced the implementation of a '7 plus 7 Plan' which involves seven consecutive days of easing measures, for seven consecutive days of quarantine (The Plan was originally intended to be a '5 plus 10 Plan', as announced by the Executive on 30 May, 2020, but was adjusted on 5 June 2020.).

The Plan has been applied unevenly throughout the country, and varies on a weekly basis, depending on the reported number of COVID-19 cases. During 'flexible' weeks, the National Executive has announced easing measures for ten sectors, including banking, construction, hairdressers, plumbing and medical practices, which may operate within specific work schedules in some States (including the capital Caracas), whereas in other States, the National Executive has broadened the number of sectors that are allowed to operate (to as many as 24 sectors, which include register offices, public notaries and courier services). However, during the

last weeks of July, when there was a reported spike in COVID-19 cases, the order to suspend activities was maintained in some States, without any possibility to ease the quarantine.

*Petrol:* There are severe petrol rationing measures in place, across the territory.

*Banks:* Bank branches, administrative offices and other banking activities involving on-site customer service are working following the 7 plus 7 Plan. Banks must ensure the assistance of the minimum personnel required for the operation of ATMs, internet banking, electronic means of payment, wire-transfers, points of sale, and online banking services.

Resuming activities after the pandemic containment is officially declared, will take place gradually and following a risk-based approach, as intended with the 7 plus 7 Plan. Also, restarting operations could largely be affected by the severe petrol shortage.

In addition to the 7 plus 7 Plan, the National Executive has announced quarantine relaxation measures that include allowing children and the elderly to spend time outside free from lockdown for a number of hours, once a week.

## **2. Local lockdowns and new national lockdowns**

### ***New lockdowns***

The general lockdown imposed since March 2020 has not yet been lifted, although the National Executive has been announcing easing measures implemented following the 7 plus 7 Plan. Businesses must plan their activities on a weekly basis depending on these announcements.

### ***Government support***

The National Executive will keep the measures announced in the early stages of the lockdown including the payment of the wages of all employees working for small and medium companies, until December 2020. Payment are made through the 'Patria' platform (an online system originally used for individuals to register and receive benefits from social assistance programmes). Although no guidelines or regulations have been published to this effect, the Executive has been paying monthly bonuses for the amount of the current minimum wage (approximately USD 2.00 at the current official exchange rate) to individuals registered in the Patria platform. However, several users of the platform have reported that they have not received these payments.

Other measures include the implementation of a debt relief program and the suspension of rent payments for

commercial use real property until December 2020.

## **3. How to keep workers safe in the office**

### ***Back in the office***

Employees falling outside the scope of the suspension of labour activities who work for businesses that are authorised to operate by the Plan may be required to return to work. However, employees are entitled to refuse to work under conditions that may pose a risk to their health and wellbeing, so employers must put adequate health and safety measures in place, to ensure a safe return to work.

### ***Setting up the workplace***

Effective 1 June 2020 and following the gradual relaxation of the quarantine, the Health Ministry issued a resolution establishing health and safety regulations to combat COVID-19. See [here](#) for details.

If an employer is unable to implement the required epidemiological control and surveillance mechanisms, then it may not resume activities until the appropriate measures to ensure public health and safety are in place. The regulation further provides a set of health and safety measures applicable to private and public health care centres. Some companies have set up specialised COVID-19 committees for surveillance and detection purposes. Other measures include the

implementation of surveys that the employees must fill out daily before entering work to verify any COVID-19 symptoms.

Additionally, certain Municipalities have adopted local resolutions with further health and safety measures, applicable to commercial establishments.

### ***Vulnerable employees***

There are no specific rules for vulnerable employees or groups, but employers should have special consideration when planning their return to work and promote remote work in such cases, to the extent possible.

### ***Suspected cases***

In the event of suspected or confirmed cases, employers are required to ask employees to voluntarily undertake quarantine/self-isolation and employers must report employees to the sanitary authorities if they refuse to observe it. Reasons for considering an individual has or could have contracted coronavirus are:

- S/he shows the symptoms widely acknowledged by the WHO.
- S/he or she has been in contact with an individual who is suspected to have contracted COVID-19 or tested positive for it (including having travelled with such an individual).
- S/he has been identified as such and notified of their condition by the sanitary authorities.

## Contact our specialists in Venezuela



Victorino Marquez  
**Venezuela**  
D'empaire Reyna Abogados  
[VMarquez@dra.com.ve](mailto:VMarquez@dra.com.ve)



Biba Arciniegas  
**Venezuela**  
D'empaire Reyna Abogados  
[barciniegas@dra.com.ve](mailto:barciniegas@dra.com.ve)

We recommend that employers set up specialised COVID-19 committees for surveillance and detection purposes (these committees can be set up as a subcommittee of the health and safety committee or as a separate committee working in cooperation with the health and safety committee), and also establish internal reporting protocols for dealing with suspected coronavirus cases. Obtaining the approval of these protocols from the Health and Safety Institute (INPSASEL) is also advisable.

**Official notification** There is no specific official procedure for reporting cases of coronavirus.

### **Communicating with your workforce**

Any communications of infection should be performed in coordination with the company's health and safety committee or the specialised COVID-19 committee. We suggest an initial verbal approach if possible, and then in writing. Any training or information sessions related to COVID-19 measures should also be documented and an attendance list with all participating employees should be kept and confirmed by the attendees. Written COVID-19-specific risk notices should also be delivered to employees with a requirement for confirmation of receipt.

### **Return to work after recovery**

Initially, infected employees must have completed their isolation period and no longer show COVID-19 symptoms, in order to return to work. Employers could

also impose coronavirus testing as a condition for employees to return to work, as long as there is reason to suspect the employee has contracted coronavirus.

### **4. How to organise homeworking for the long term**

Venezuela has no specific regulation applicable to remote or homeworking. There are special provisions that regulate domestic work which may be used as a reference, where relevant (although they were not intended to regulate the use of technology in the performance of work). The government has announced that it is likely to discuss a telework regulation by the first semester of 2021. In any case, it is advisable for employers to document homeworking conditions with employees.

Employers would be required to pay utilities (including internet services) and ensure that employees have the equipment required to perform remote work. Further, employers must ensure appropriate health and safety measures are followed under the homeworking scheme, so an alternate risk assessment

of the employee's workplace (covering conditions such as ergonomics of the workstation, use of the computer, etc.) should be performed with the employee's cooperation. A protocol for reporting accidents should also be implemented.

Employees are entitled to observe outlined working hours with rest periods. We recommend clearly establishing

reporting duties and the expected work results with employees before homeworking starts. An employee can request long-term homeworking based on concerns about coronavirus, if his/her job duties or tasks can be carried out from home. In fact, the current sanitary regulations encourage employers to maintain remote work arrangements, as far as possible.

In the current context where homeworking has been implemented as a temporary arrangement, it is unlikely that employees will acquire the right to work at home after a certain time. However, it is important for employers to document the arrangements in place and clearly state that their implementation is a result of the circumstances generated by the COVID-19 pandemic and the 'state of alarm', and that this intended to be an exceptional form of work. This may afford employers some flexibility in determining whether this could be a long-term arrangement for the future.

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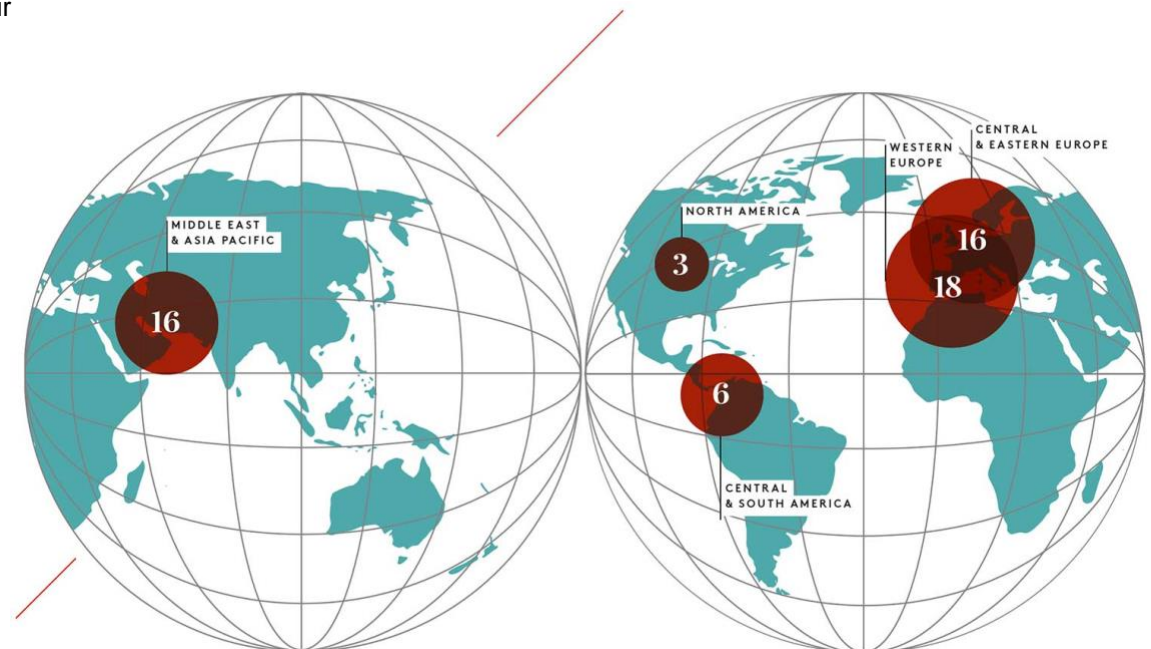
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