

# Coronavirus

## Top tips for international employers

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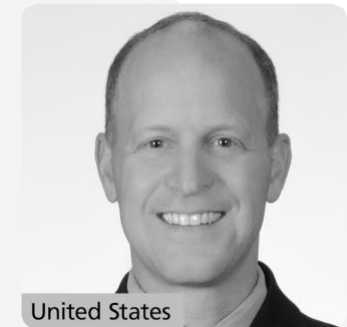
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### Our Global Taskforce

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

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

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

# Argentina

## 1 Safety and hygiene

To avoid coronavirus cases, the Ministry of Health recommends the following:

- Provide your employees with disinfecting products (alcohol gel, tissues, etc.) and promote regular hand-washing by employees and customers.
- Train your employees about the symptoms and preventative measures they can take to avoid contagion.

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

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

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

## 2 Testing

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

For now, the schools in Argentina remain open, but those pupils returning from travel within the last 14 days from China, South Korea, Japan, Iran, Italy, Spain, France or Germany, may not attend school for 14 days, even if they have no symptoms. They should also avoid all social contact. You can offer employees affected by this the possibility of homeworking.

If you have reasonable grounds to think there is a risk of infection of your employees, you may decide to close the workplace. If you do so, you will need to continue paying wages unless it is very clear that this is a *force majeure* situation.

## 4 Pay

Employees infected with coronavirus or in quarantine or self-isolation are entitled to be paid in the normal way. Sick pay is payable by the employer.

## 5 Travel

There is currently no travel ban or restrictions on employees or others in Argentina.

However, employees returning from high-risk areas must be placed under medical surveillance in self-isolation, even though they may not show signs of infection.

## Contact our specialist in Argentina



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## 6 Discrimination

The Constitution contains certain labour rights, including the principle of non-discrimination based on illness or any other arbitrary or unfair distinction. However, you may allow employees at high risk to work from home and this would not be deemed discriminatory.

You must ensure you treat employees infected with coronavirus equally with other employees who are temporarily unwell for other reasons.

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

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

If an employee shows symptoms of coronavirus, we advise you call an ambulance that operates under the Health Ministry, to have the patient moved to an appropriate location. You must be cautious and treat all information about this with discretion, so as not to affect the employee's privacy.

## 8 Advice from government or authorities

The authorities make only one recommendation for employers: all employees returning from travel to high-risk areas should stay at home for 14 days and try to avoid all social contact, even if they have no symptoms. During this time, you must continue to pay salary. Note that the Ministry of Health has published some information about coronavirus with recommendations for airports, ports and border crossings.

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# Austria

## 1 Safety and hygiene

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

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

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

## 2 Testing

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

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

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

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

## 4 Pay

Under the Austrian Epidemic Act (to which coronavirus was recently added), employers are basically obliged to pay their employees if they cannot come to work either because they are in quarantine (for example, because of

contact with infected people) or because the workplace has to be shut down due to a (possible) infection. Employers can apply to the federal government for reimbursement of continued salary payments in these cases.

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

## 5 Travel

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

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## 6 Discrimination

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

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

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

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

## 8 Advice from government or authorities

The Austrian Ministry of Health refers to the general precautionary measures

during the flu season. The most important and effective measures for the personal protection as well as for the protection of others against infection with respiratory pathogens are good hand hygiene, correct coughing etiquette and keeping a minimum distance (approximately one to two metres) from people you suspect of being ill.

## 9 Other points

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

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# Bahrain

## 1 Safety and hygiene

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

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

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

## 2 Testing

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

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

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

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

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

## 4 Pay

Employees are entitled to 55 days' sick leave (comprising 15 days' paid, the next

20 days at 50% and the remaining 20 days without pay).

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



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## 5 Travel

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

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

## 6 Discrimination

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

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

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

## 8 Advice from government or authorities

See travel advice at point 5 above.

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# Belgium

## 1 Safety and hygiene

- You should regularly disinfect, provide disinfecting products and promote regular and thorough hand-washing by employees, contractors and customers.
- Promote good respiratory hygiene (covering mouth and nose with bent elbow or tissue when a person coughs or sneezes, disposing of used tissues immediately).
- Inform workers they should not come to the office if they have symptoms such as fever or coughing
- Provide for homeworking with the employee's consent (for example, recent visits to areas where the virus is spreading).
- Provide instructions on what to do if someone shows signs of coronavirus infection.

If an employee gets sick, ask him or her to stay home and see a doctor. If possible, ask other employees that have been working closely with that person to work from home. Ask them to check their temperature regularly and go see a doctor in case of doubt.

Limit travel to high-risk areas and avoid international or large meetings: rely on teleconferencing instead.

## 2 Testing

Legally, employees must refrain from anything that could harm their safety, that of other employees, their employer or third parties. This will mean you can ask about infection or travel to a high-risk area. Employees may have concerns about privacy, but in these circumstances it seems probable that there is a legitimate reason to ask for 'private' information.

In general employees are not obliged to inform you about their health nor can you ask them to prove that they are fit to work. However, an employee with coronavirus who continues to work and fails to inform you could incur civil liability.

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

Note that testing may be subject to strict conditions, set out by the authorities: in Belgium currently, a person will only be tested if he or she has returned from a high-risk area and shows physical symptoms of possible infection.

## 3 School closure, homeworking, quarantine and closing the workplace

As from Monday March 16, all school classes suspended until at least 3 April. However schools will remain open for those children who cannot be taken care of by their parents. The government strongly recommends people to avoid asking grandparents to take care of their children.

As from midnight on Friday 13 March, all restaurants and bars are closed and all public and private events must be cancelled. However, there is no lock-down at the moment: companies (and workers) are continuing their activities as well as they can.

In 2017, Belgium introduced the concept of 'occasional telework' to allow employees to work temporarily from home. You may find it useful in the current context.

See [here](#) for details of the occasional telework regime.

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At the time of writing, you cannot demand an employee goes into quarantine on returning from China or Italy and prevent him or her from returning to work unless he or she poses a real risk of contamination to other employees. People presenting a serious risk of contamination (e.g. because they travelled to China) will however generally be quarantined on their return to Belgium.

In some situations, coronavirus could lead to temporary unemployment based either on *force majeure* or for economic reasons. These employees will be entitled to temporary unemployment benefits.

In the event of *force majeure*, a lock-out might be permitted but it is not a measure to be taken lightly. Theoretically in this situation you would be failing to provide work to employees and in breach of your obligations.

### 4 Pay

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

### 5 Travel

Take simple precautions to ensure employees' health and wellbeing. Consult

the up-to-date official advice on destinations when considering business travel, available [here](#).

If employees have recently returned from a high-risk area or have been in contact with someone who is infected, you can ask for their full cooperation and advise them to consult a doctor. You may request the assistance of the work prevention advisor or occupational physician. Please note the rules on testing in 2, above.

### 6 Discrimination

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

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

Make sure you consider how to deal with data privacy, as this involves sensitive health data.

### 8 Advice from government or authorities

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

On 12 March, the Belgian Federal Government announced a number of very strict measures, in order to limit the risk of spread of the coronavirus and in order to avoid a lock-down (see above, point 3).

### 9 Other points

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

The employers' federation that oversees Belgian technology companies (Agoria) has launched an information point to answer employers' questions and concerns. It is accessible every working day from 9:00 - 17:00 on the following number: 080/08.52.19.

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# Brazil

## 1 Safety and hygiene

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

## 2 Testing

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

## 3 School closure, homeworking, quarantine and closing the workplace

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

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

## 4 Pay

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

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

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

## 5 Travel

You should avoid sending workers to areas that are known to be high risk according to official reports and protocols. If not, employees can refuse to go and may even claim constructive dismissal.

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## 6 Discrimination

Information is key to avoiding panic and other unjustified reactions, such as discrimination against employees of Asian heritage. If discrimination happens among coworkers in the workplace, you may be liable for damages.

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

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

## 8 Advice from government or authorities

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

## 9 Other points

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

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# Bulgaria

## 1 Safety and hygiene

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

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

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

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

You could also require managers to report anyone who appears sick.

## 2 Testing

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

You cannot compel a person to be tested. The best strategy, if in doubt, is to set up remote working for staff.

## 3 School closure, homeworking, quarantine and closing the workplace

Currently under the state of emergency declared on 13 March the following businesses have been closed by the state until 29 March: bars, restaurants, fast-food chains, cafes, bakeries, malls, shopping centers with the exception of pharmacies, banks and insurance offices and grocery stores located within them.

Schools in Bulgaria are also closed until 29 March. Employees are not entitled to time off as a result of the school closures unless their children are quarantined or sick or their school has been quarantined.

Additional measures were announced on 16 March in a Bill on Measures during the State of Emergency (the 'Act'). They are listed below.

Employers are required to unilaterally introduce remote work by order without employees' consent. If this is impossible they must organise the implementation of enhanced anti-epidemic measures.

Any employer or a public authority may, by order, suspend work at the business, part of it or in relation to individual employees.

Upon suspension of business, employers can:

- Unilaterally grant employees the use of paid leave; or
- Pay them 100% of the gross salary, if the employer took the decision to suspend the business or 50% of the gross salary (but not less than 75% of the minimum statutory wage), if the business is suspended by an order of a public authority.

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

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

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

Garnishing of salaries for debt enforcement is suspended.

At the time of writing the bill has not yet been adopted and become law.

The full text is available [here](#).

#### 4 Pay

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

#### 5 Travel

Any Bulgarian national or resident arriving from: China, Iran, Bangladesh, India, the Maldives, Nepal, Sri Lanka, Spain, Italy, South Korea, North Korea, Great Britain, France, Germany, the Netherlands or Switzerland is placed under mandatory 14 days' quarantine by the health authorities.

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

#### 6 Discrimination

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

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

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

#### 8 Other points

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

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## 1 Safety and hygiene

Ensure basic supplies such as hand-hygiene products, tissues and receptacles are available in all workplace locations. You should also consider policies for implementation in the event of a pandemic to limit opportunities for disease transmission, such as employee 'work from home' strategies, staggering shift starts and breaks to reduce the number of people in the workplace at a time, and arranging work stations to maintain distance between individuals. Telephones, videoconferencing and the Internet may be used to conduct as much business as possible.

If you have an employee who is vulnerable (over age 65, compromised immune system, or underlying medical condition) the obligations to this employee could be different. Precisely what steps may be reasonable to protect the vulnerable worker are likely to be determined on a case-by-case basis and involve advice from public health and/or medical officials.

If an employee has fallen sick, you should require him or her to stay home, and consider accommodating at-risk employees with the use of alternate work stations/arrangements. 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 seek medical attention and should not be permitted to

return to work until receiving medical clearance. All employees who worked closely with the infected employee should also be removed from the workplace for at least a 14-day period to ensure the infection does not spread in the workplace. Posters and employee handouts can be used for education and awareness at the workplace.

## 2 Testing

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

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

Depending on the nature of the employer's business (food supply and preparation, healthcare, working in close quarters, etc.) it may be reasonable for employers to take more aggressive health testing measures in the workplace, including temperature checks. Such a

measure is consistent with workplace occupational health and safety obligations to take every precaution reasonable in the circumstances for protection of workers.

Employers should be aware that there may be human rights, occupational health and safety and privacy considerations should they wish to take the temperature of employees or members of the public entering a premises, but of course this must be balanced against the need for business continuity and protecting the employees as a whole.

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



### 3 School closure, homeworking, quarantine and closing the workplace

A number of school closures are currently in force in Canada. As of today the situation varies from province to province.

Allowing employees to work from home is a worthwhile practice to prevent the spread of illness at the workplace, if feasible and depending on the level of infection risk. It may also be reasonable to request that a certain employee self-isolate and work from home for at least a 14-day period depending on the employee's symptoms and risk factors.

Currently, the government of Canada has imposed quarantines on individuals who have been infected with coronavirus, or those who have returned from high-risk locations. Canadians are encouraged to self-quarantine if they believe they may have been in contact with an individual carrying coronavirus.

Most employers are not currently advised to close their workplaces, although many have been ordered to do so on public health grounds. You should follow guidance provided by government authorities with respect to the closure of facilities.

Employers can temporarily lay off employees because of the impact on business of coronavirus, but there is a possibility that a unilateral lay off may be

treated as a termination of employment under employment standards legislation or the common law. There are also statutory exemptions in many jurisdictions for unforeseeable circumstances, which may include a pandemic or government-ordered closure of a business. In the current circumstances, many employers have no other options.

If the employer is ordered to close by health or other authorities, employers may be able lay off employees without liability under provincial employment standards legislation or the common law. Each case will be dependent on its own facts.

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

### 4 Pay

Where an employee contracts coronavirus and is unable to work, you must grant any applicable legislative leave to the employee, in addition to meeting any sick leave obligations outlined in employment agreements or collective agreements. Employees who are unable to work due to illness associated with the

coronavirus may be captured under employee benefits, and may be eligible for short-term disability in certain situations. You will have to consult the wording of their sick leave benefit provisions to determine if coverage can be provided upon a quarantine when the employee is not actually sick. The one-week waiting period for sickness benefits has been waived for claimants who are ill or have been quarantined, as has the requirement for a medical certificate.

### 5 Travel

As of 18 March 2020, the Government of Canada has closed the US-Canada border to non-essential travel. As of 13 March, the Government of Canada has requested Canadians avoid any travel outside of Canada. As of 16 March, anyone, including Canadian citizens and permanent residents, who exhibit symptoms abroad will be restricted from returning to Canada. Employers should be prohibiting international travel at this time as well as any non-essential travel within Canada. Individuals returning to Canada from international travel travelling, including the USA, have been requested to self-isolate on their return for 14 days.

The Government of Canada has also has posted active travel health notices for non-essential travel to areas of China, France, Germany, Hong Kong, Iran, Italy, Japan, Singapore, South Korea and Spain due to the outbreak of COVID-19.

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## 6 Discrimination

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

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

You are reminded that 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.

Currently, federally regulated employers are advised to contact the Federal Labour Program should employees refuse to work because of coronavirus, or if an employee becomes ill with the coronavirus. Further emergency measures may be implemented in the event that the status of coronavirus in Canada changes in future. If an employee

contracted COVID-19 in the workplace, there may be additional reporting obligations under workers' compensation and occupational health and safety legislation.

## 8 Advice from government or authorities

The Canadian Government has indicated that they health system is ready to respond to any cases that arise in Canada, but that individuals and communities should take precautionary steps. Individuals are advised to, whenever possible, limit exposure to crowded places, and avoid unnecessary contact with others. Ways to limit exposure include shopping or using transit during non-peak hours, frequently washing hands for at least 20 seconds, and using a sleeve or elbow when coughing or sneezing.

## 9 Other points

On 18 March 2020, the Federal Government announced a multi-faceted [Economic Response Plan](#).

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## 10 Safety and hygiene

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

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

## 11 Testing

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

You are allowed to do temperature checks.

## 12 School closure, homeworking, quarantine and closing the workplace

Schools have closed.

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

The government has also ordered the closure of shopping centres.

## 13 Pay

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

For cases where the health authority has granted medical leave as a preventive measure (quarantine) the social security

authorities will decide on the coverage of the respective payments.

## 14 Travel

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

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

Chilean nationals and permanent residents in Chile, coming from high-risk places (China, Korea, Japan, Italy, Spain, Germany, France and Iran), will be able to enter the country by submitting themselves to Sanitary Customs and a mandatory 14-day quarantine.

## 15 Discrimination

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

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

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

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

### 17 Advice from government or authorities

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

It gives the government extraordinary powers, including to:

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

The Ministry of Health, has been releasing daily coronavirus communications on its [website](#) in order to keep the population informed about the

virus, preventive measures, new cases, forms of infection and other matters.

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

### 18 Other points

The Ministry of Health guidelines are being regularly updated based on developments in Chile: you should track these updates.

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# China

## 1 Safety and hygiene

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

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

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

## 2 Testing

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

An employee cannot refuse to tell you if they are infected: he or she has a legal

obligation to truthfully disclose his or her health condition and travel history in a timely manner. You cannot require an employee to get tested for coronavirus: only the government authority has the power to force individuals to take the test.

## 3 School closure, homeworking, quarantine and closing the workplace

The government has delayed school re-opening after the winter vacation, and there is no clear re-opening schedule yet. Most schools now provide online teaching to students.

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

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

If you decide to suspend business operations and production, employees should be paid normal salaries if the suspension is contained within one full wage cycle. For suspensions longer than one full wage cycle, you may be permitted to pay reduced salary to employees in accordance with local regulations.

## 4 Pay

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

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

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## 5 Travel

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

adopt flexible working arrangements such as reducing pay, changing work schedules or shortening working hours, provided that employees agree to these arrangements.

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## 6 Discrimination

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

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

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

## 8 Advice from government or authorities

Where it is necessary to the business, the government encourages employers to

# Colombia

## 1 Safety and hygiene

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

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

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

## 2 Testing

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

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

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

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

coronavirus. Isolation for public health purposes may be voluntary or mandatory by order of the health authority.

## 4 Pay

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

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## 5 Travel

On 28 February 2020, the Ministry of Health issued a document called 'ORIENTACIONES PARA EL TAMIZAJE DE VIAJEROS PROCEDENTES DE ZONAS CON CIRCULACIÓN DEL NUEVO CORONAVIRUS (COVID-19)', which sets out all the guidelines with which travellers should comply.

## 6 Discrimination

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

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

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

## 8 Advice from government or authorities

You must comply with the Ministry of Health protocols on responding to cases of coronavirus, as well as any official bulletins and communications and communicate this information in the workplace.

## 9 Other points

Organisations that require foreign workers to come from countries with coronavirus cases must follow official instructions. These include requesting a work permit from the competent authority and providing the Ministry of Health with details of the foreign worker, as well as their origin and arrival date data to arrange follow-up. Screening will be carried out at the point of entry. You must verify that workers from countries with coronavirus cases have undergone population screening at the point of entry or failing that, communicate with the health authority where the worker is located to agree on screening and monitoring. If a foreign worker shows symptoms of acute respiratory infection within 14 days after arrival, you must contact the health authority, which will follow the 'Guidelines for the detection and management of cases'.

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# Croatia

## 1 Safety and hygiene

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

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

There are no special instructions for employers. However, employees will be more likely to continue with their regular work if you ensure implementation of general hygiene rules and keep them informed on relevant developments on a daily basis.

## 2 Testing

You can ask employees whether they are infected and whether they have recently travelled to a high-risk area. Under the Croatian Labour Act, an employee must immediately inform his or her employer about a disease or other circumstances that disabling the employee in performance of his or her duties or endanger the life or health of other

employees. Employees cannot refuse to tell you if they are infected: it would be considered a breach of their work obligations.

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

## 3 School closure, homeworking, quarantine and closing the workplace

For now, schools in Croatia are not closed, however the Government has stated that this may happen if the coronavirus situation escalates further. In that case, online classes will be introduced.

You can choose to offer employees the possibility of working from home, especially in the event of a coronavirus infection in workplace.

Certain hospitals in Croatia have secured quarantines, for infected patients and people who were in contact with them.

If the Government decides to close the border, this will lead to the closing of certain businesses, such as those dependent on mobile workers (i.e. drivers).

## 4 Pay

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

## 5 Travel

Individuals returning from high-risk areas who do not show signs of infection are to be placed under medical surveillance in self-isolation based on the decision of border sanitary inspectors. Although the borders to neighbouring countries are currently not closed, it is not recommended to travel to risky areas (e.g. China, Northern Italy, South Korea, Iran).

## 6 Discrimination

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

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

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

## 8 Advice from government or authorities

On its website, the Ministry of Health publishes daily reports and latest findings related to Coronavirus infection, including recommendations for specific categories of population (e.g. people over 60 years of age, individuals attending public meetings, etc.).

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## 1 Safety and hygiene

Educate your staff about the current situation and any government guidance.

Do a risk assessment to ensure working practices do not create undue risks.

Implement recommendations issued by the Ministry of Health on hygiene, such as encouraging everyone to wash their hands regularly and ensuring there are clean places to wash hands with soap and water. Place hand sanitisers and tissues in common parts of the office.

Employers are strongly advised to follow the guidance issued by the Ministry of Health on ways to disinfect the workplace.

Follow government guidance and update workplace policies accordingly.

Make sure contact numbers and emergency contacts are up to date.

Make sure managers and staff are clear on workplace policies, including for sickness and absence.

Make clear that you don't expect employees to come to work if they are unwell.

If there is an identified incident of a sick employee, you should keep that employee away from the workplace until the risk has passed. The organisation's

normal sick leave policy will apply and the employer should require the employee to stay at home. Issues may arise in the event that an employee insists on coming to work.

You can inform employees that there has been a confirmed coronavirus case in your workforce however it would not be appropriate to provide any details from which the individual might be identified.

Inform your employees about the symptoms of the coronavirus and any preventative measures. This information is available from the Ministry of Health.

Consider offering flexible working, including homeworking, to avoid and minimise the risk of infection or spread of the virus.

## 2 Testing

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

Remind employees that they have a duty to take reasonable care of their own health and safety and not endanger

themselves or people they work with. Remind them also that failure to comply with these duties could result in disciplinary action.

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

## 3 School closure, homeworking, quarantine and closing the workplace

The government has ordered general school closure, including institutions of higher education and academic tutoring until 10 April 2020. In order for students not suffer negative impacts from the general school closure, the government has encouraged the use of distance learning. The government has also postponed the examination period.

The government has ordered the following businesses to suspend their operations until 13 April 2020: department stores, malls, coffee shops, bars, nightclubs, cinemas, theatres, libraries, museums, casinos, betting stores, sports facilities, amusement parks, barber shops, hair salons and beauty salons. The government has also ordered the suspension of hotel businesses until 30 April 2020.

The government has issued guidelines in relation to businesses (both in the private and public sector) offering face-to-face customer service. In addition to the ban on gatherings of more than 75 people in the same building until 31 March 2020, the government has ordered that there should be no more than one person per eight square metres within a building, including employees of the business in question.

Homeworking is recommended whilst a number of companies have instructed their employees to work remotely and avoid face-to-face meetings. Communication and meetings are held through alternative means such as videoconferencing, telephone calls and email.

#### 4 Pay

In order to protect and safeguard both employers and employees, the government has issued a framework of emergency support measures.

In particular, the government has implemented a 'Work Suspension Plan' to avoid redundancies and to support businesses that were ordered to suspend their operations as well as businesses that continue to operate, but are suffer a turnover decrease of more than 25%. This plan provides that affected employees may be entitled to receive statutory unemployment benefit for as long as the enterprise suspends its business operations, provided the relevant statutory provisions are met.

In order to better safeguard small businesses, the government has introduced a support plan. For businesses which employ up to five people and which have suffered a decrease of more than 25% in turnover, the government will pay 70% of the employees' salaries, on the proviso that those businesses continue their normal operations.

The government has also introduced a 'Special Sickness Allowance' which is available to:

- employees who have specific health problems and who are included on the list published by the Minister of Health who must be absent from work for the purpose of protecting their health;
- individuals who are compulsorily absent from work because required or instructed to do so by the

authorities (e.g in compulsory quarantine or voluntary quarantine);

- individuals between the ages of 63-65, who do not receive statutory pension and continue to work (vulnerable group).

The government has also introduced 'Special Leave', which is available to employee-parents who work in both the private and public or wider public sector for the care of children up to the age of 15. The Special Leave may be granted to only one of the two parents and only when the nature of the applicant's work does not allow teleworking or working from home or does not allow working with flexible working hours and if they do not have other assistance.

In addition, the government announced a Bill providing for a temporary suspension (until the end of April 2020) of the obligation to file a tax return and pay VAT, provided that the taxable person pays the VAT amount due up to 10 November 2020. The government also announced a Bill providing for a reduction of the basic VAT rate from 19% to 17% for a two-month period between 1 April 2020 and 31 May 2020, as well as a reduction of the reduced VAT rate from 9% to 7% for a period of three and a half months (1 April 2020 to 15 July 2020).

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

## 5 Travel

The government has issued a decree prohibiting flight operations from 03:00 Cyprus time on 21 March 2020 for a period of 14 days, with the exception of the transport of cargo between Cyprus and all EU Member States, including Iceland, Liechtenstein, Norway and Switzerland. Non-passenger flights to the Republic of Cyprus to carry individuals wishing to leave the Republic of Cyprus are exempt from the ban. Flights to and from the Republic of Cyprus for humanitarian reasons or individual flights for exceptional emergency circumstances are also exempt from the ban.

## 6 Discrimination

If travelling to China is forbidden, there could conceivably be claims of indirect discrimination against staff of Chinese origin, although they will be unlikely to succeed if a high level of risk is identified and your actions were legitimate, reasonable and proportionate, based on instructions by public authorities.

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

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

Based on the new guidelines issued by the Ministry of Health, if someone is infected, or thought to be infected, she or he should contact 1420 which operates 24/7, where they will receive step by step instructions on how they should proceed. If an employer or an employee wants to get more information about coronavirus, they should contact either 1450, which operates 24/7, or 1412 from 08:00 to 20:00.

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

## 8 Advice from government or authorities

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

- Ministry of Health
- Ministry of Education
- Ministry of Labour and Social Insurances
- Federation of Employers & Manufacturers (OEB)

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# Czech Republic

## 9 Safety and hygiene

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

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

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

state does not currently believe your workplace poses any danger.

## 10 Testing

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

## 11 School closure, homeworking, quarantine and closing the workplace

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

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

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

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

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## 12 Pay

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

## 13 Travel

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

## 14 Discrimination

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

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

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

## 16 Advice from government or authorities

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

## 17 Other points

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

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# Denmark

## 1 Safety and hygiene

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

You should consider whether you need to make any changes to your guidelines for employees regarding business trips, conference attendance, meetings and the like, including trips to risk areas, as designated by the Health Authority. You should also consider letting employees know of the potential consequences for their employment of choosing to take holiday in one of the designated risk areas.

If an employee falls ill and suspects it may be coronavirus, they should be encouraged to follow Health Authority guidelines and contact their medical services. You should ask the employee not to attend work until it is clear whether they are infected. If it turns out they are, we recommend you call the Health Authority hotline to get the latest guidance on precautions to take in relation to other employees at the workplace, and third parties (e.g. your customers) with whom the infected employee has been in contact.

To promote the smooth running of your organisation, we recommend you keep

employees informed whenever the Health Authority updates its guidelines, so that employees know how they should handle the situation.

## 2 Testing

Generally, you are not permitted to ask employees questions about their health, but as the coronavirus may have a significant impact on employees' ability to perform their work, if an employee becomes infected, he or she must let you know. You should also require employees to tell you if they are covered by the Health Authority's special guidelines regarding those who have recently travelled to one of the designated risk areas.

You cannot force an employee to be tested for coronavirus. However, special guidelines may apply to employees in certain sectors, such as the healthcare sector.

## 3 School closure, homeworking, quarantine and closing the workplace

If a school closes, employees must still show up for work even if they have not been able to make childcare arrangements. In practice, Danish employers will often have made arrangements with employees regarding homeworking, time off in lieu, holiday, etc., which should mitigate the worst effects of this.

You may decide that employees must work from home based on precautions to reduce the risk of spread of the coronavirus and should consider setting up a policy (if you don't already have one) to cover this.

A decision to quarantine an employee can only be made by the Health Authority. However, you may require an employee to remain away from work in order to reduce the risk of spread of the coronavirus. You might do this, for example, if they have travelled to one of the designated risk areas.

An employer is entitled to decide to close the entire workplace to reduce the risk of spread of the coronavirus.

## 4 Pay

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



If an employee is quarantined by the Health Authority, he or she should be treated as if off sick. The employee will be entitled to receive pay from the employer if they are normally entitled to this. The same applies if the employer, based on the recommendations by the Health Authority, decides to require an employee to remain away from work for two weeks after travelling to one of the designated risk areas.

## 5 Travel

You should keep your guidelines regarding business trips, conference attendance, meeting activities, etc. under constant review based on Health Authority recommendations.

If an employee decides to take holiday in one of the designated risk areas, s/he will not be entitled to receive pay upon return and you can require the employee to stay away from work for two weeks. Depending on the circumstances, you might also consider an employee's decision to travel to a designated risk area as gross misconduct, which may lead to summary dismissal.

## 6 Discrimination

Employers must consider the risk of directly or indirectly discriminating against employees on grounds of ethnic or national origin. Thus, all restrictions implemented at the workplace must be general restrictions, and in no way

directed towards employees of any particular ethnic or national origin. They must at the same time be legitimate and proportionate, in order to avoid a later claim of indirect discrimination.

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

A report to the Health Authority that employees have the coronavirus or have travelled to a designated risk area may contain special category data. However, in these special circumstances, you are entitled to report relevant data to the Health Authority with a view to obtaining their guidance.

## 8 Advice from government or authorities

The Health Authority has published a [Q&A in English](#).

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## 9 Safety and hygiene

You and your employees must cooperate in the name of a safe working environment. In order to ensure a safe working environment and prevent employees from falling sick, you should take appropriate measures, including providing employees with necessary hygiene products and disinfectants and reminding employees of elementary hygiene procedures. It is also important to ensure cleaning of frequently used rooms, objects and surfaces and to avoid large meetings and avoidable business trips.

You should support and recommend that employees returning from the high-risk area remain at home (if possible, working from home) for 14 days.

If an employee has fallen sick, you should immediately send the sick employee home. With regard to other employees, you should ask them to monitor their health and to remain at home if any symptoms appear.

You should provide employees with instructions on what to do if they have symptoms of the coronavirus and inform employees regarding the organisation of work during the rapid spread of the coronavirus.

## 10 Testing

In view of your statutory obligation to ensure a safe working environment for your employees, employers have a justified interest in knowing if any of their employees are infected or if they have recently travelled to a high risk area, so you can ask about this. Employees may refuse to tell you if they are affected, but their refusal could be treated as a breach of occupational health and safety related duties. You are also entitled to require that an employee undergoes a medical examination.

## 11 School closure, homeworking, quarantine and closing the workplace

The closure of schools is decided by public authorities on case-by case basis. Currently, only a small number of schools have been closed in Estonia. Many schools have confirmed the possibility of continuing computer-based learning activities if and when necessary.

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

The Government of the Republic is considering declaring an emergency situation, but so far, an emergency situation has not been declared.

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

## 12 Pay

If an employee returns from high-risk country and has no symptoms of the coronavirus, he or she will not be granted preventive sick leave. In this case, you may ask the employee to work from home by providing full payment for the entire time the employee is working from home. If working from home is not possible because of the nature of the work or because the employee does not agree to work from home, you may grant additional paid leave in addition his or her annual leave.

If the employee has symptoms of coronavirus, he or she will be granted a sick leave by the doctor. The sick leave may also be granted if the employee has had direct contact with a person with coronavirus. The first three days of illness are unpaid. Sickness benefit is paid by the employer from days four to day eight.

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From day nine, the Health Insurance Fund pays.

If, due to unforeseen economic circumstances beyond your control (e.g. arising due to the coronavirus), you cannot provide an employee with work to the agreed extent and payment of the agreed salary would be unreasonably burdensome on you, you may reduce his or her salary, for up to three months over a period of 12 months. You can reduce salary to a reasonable extent, but not below the minimum wage established by the Government of the Republic.

There is no clear position on whether and how the employees should be remunerated if an emergency situation is declared by the Government of the Republic and they cannot work from home.

### 13 Travel

It is recommended you cancel all avoidable business trips to risk areas. If an employer decides to send an employee on a business trip to a high-risk area, the employee may refuse to go. This cannot be considered as a violation of the employee's duties.

### 14 Discrimination

Any form of discrimination is prohibited. This means that employees of any nationality or ethnicity which is associated with high-risk areas may not be

discriminated against based on their nationality or ethnicity. Employees must also not be discriminated against on the basis of their health status, i.e. if they have been diagnosed with or are suspected to have the coronavirus.

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

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

### 16 Advice from government or authorities

The Health Board has advised those who have visited an area where the coronavirus has spread and who have no symptoms of the coronavirus to monitor their health for 14 days, and contact their doctor immediately by phone if they develop fever, cough or breathing difficulties.

For recent updates please see the information on the [Health Board's webpage](#).

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# Finland

## 1 Safety and hygiene

You should ensure that employees are aware of good hygiene practices. You should plan and prepare in advance for a situation where a growing number of employees get sick with a plan for remote working and extra staff.

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

## 2 Testing

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

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

You may request that an employee undergo a physical examination. The employee may face consequences if he or she does not comply with the request.

## 3 School closure, homeworking, quarantine and closing the workplace

According to the Communicable Diseases Act, schools may be closed when there is an extensive risk of infection of a generally hazardous communicable disease. Decisions regarding closure may be made for a period of one month at the most.

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

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

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

## 4 Pay

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

If the employee is placed in quarantine, the employee may be entitled to pay if her or she has the ability to work remotely. If the employee is not able to work remotely, he or she may be entitled to a communicable disease allowance under the Communicable Diseases Act. If you choose to pay the employee regardless, you may be able to apply for reimbursement from the Social Insurance Institution (Kela).

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## 5 Travel

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

## 6 Discrimination

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

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

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

## 8 Advice from government or authorities

The Finnish government advises avoiding unnecessary travel to risk areas. According to the Finnish Institute of Occupational Health, employers should establish a preparedness group to communicate and advise on issues related to the potential epidemic.

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# France

## 1 Safety and hygiene

Depending on the level of exposure and the evolution of the epidemic, it is recommended you remind employees of the usefulness of basic 'barrier' measures: coughing into your elbow, using disposable tissues, washing hands regularly and avoiding non-essential contact.

If there is a risk of contamination, contact with the infected person should be avoided. While awaiting a diagnosis, it is therefore advisable that the infected employee not be in contact with his or her colleagues (by remote working, taking leave or rest days). Individuals who are subject to an isolation measure as a result of having been in contact with a person suffering from coronavirus or staying in an area affected by the epidemic may benefit from a work stoppage compensated by social security for a maximum of 20 days.

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

## 2 Testing

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

The public authorities decide on a case-by-case basis which structures are to be closed. In the event of an exceptional situation (such as an epidemic), you can order employees to work remotely, if it is materially possible given the functions carried out by the employee.

The public authorities decide on a case-by-case basis who is to be placed in quarantine and which structures or organisations are to be closed. At this stage, it is conceivable you could close down your business if it is no longer able to function properly. Employees could be compensated by the State for loss of wages.

## 4 Pay

Sick employees are compensated by social security. Enhanced compensation measures apply for employees on sick leave because of the coronavirus (see step 1 above). The same provisions apply to employees in quarantine.

## 5 Travel

Before considering or arranging business travel, we advise employers to check the current travel advice on [the French Foreign Ministry website](#). You should weigh decisions whether to carry on with business trips according to various criteria: the necessity of the trip, the impossibility or otherwise of taking alternative measures, the employee's personal circumstances, the level of risk specific to the destination, etc. You must inform employees concerned of the measures to be taken while they are travelling for business (measures recommended by the French and/or local authorities), and give them means to comply with them. You should anticipate that an employee may exercise his or her right of withdrawal if he or she has reasonable grounds to believe that the trip may create a serious and imminent danger to health.

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## 6 Discrimination

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

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

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

## 8 Advice from government or authorities

Current advice if you have signs of respiratory infection (fever or feeling of fever, cough, difficulty breathing) in or within 14 days of returning from an area where the virus is circulating is:

- Contact Samu Centre 15 (emergency medical service) describing your symptoms and your recent stay.
- Avoid any contact with family and friends.

- Wear a mask (on medical prescription).
- Do not go to your doctor or to the emergency room to avoid any potential contamination.

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# Germany

## 1 Safety and hygiene

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

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

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

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

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

## 2 Testing

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

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

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

You can ask whether a sick employee has been in a risk area and order them to

stay at home for a few days as a precautionary measure if they have been. Whether the employee will be entitled to continued salary payments depends on the circumstances.

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

## 4 Pay

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



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

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

## 5 Travel

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

## 6 Discrimination

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

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

Coronavirus infection triggers an obligation on you to notify the authorities.

Medical staff and heads of community bodies must also report any infectious diseases. These statutory reporting obligations justify the processing of employee health data, although normal data protection principles apply.

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

## 8 Advice from government or authorities

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

## 9 Other points

You should take this situation as an opportunity to make sure your crisis preparation plans are updated, and that arrangements exist to allow you to react flexibly to this type of event in future to minimise business impact.

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## 1 Safety and hygiene

Assuming there have been no cases of coronavirus, we suggest that the competent executives in your organisation in cooperation with the occupational doctor organise an information day for the workforce, in order to familiarise employees with the situation and educate them on preventive and risk mitigating measures.

If someone falls sick, you should encourage him or her to get advice from the occupational doctor or get examined at a hospital.

## 2 Testing

You are not generally entitled to request employees to provide detailed information on all their personal travels, because this falls within the scope of employee's privacy. However, within the framework of protecting employees' health, it is reasonable to ask employees to inform you in good time if they travel to, or return from, regions considered to be a source of the coronavirus outbreak.

An employee must immediately report all situations that present an immediate and serious risk to their safety and health to you, to help you fulfill all the duties or requirements imposed on you by the competent labour inspection to protect workers' safety and health and to ensure that the environment and working conditions are safe and without risks to

safety and health within their area of activity. There is only a general obligation to report, without any more specific detail regarding the coronavirus infection.

Your organisation can require a medical check for employees accessing the office, with the consent of employees' representatives or after a meeting with the employees' Health and Safety Commission (if there is one). Please note that the representative(s)' or commission's decision should be backed up with reasons and follow consultation with the organisation's representatives. Any medical check carried out should comply with the principles of respect to human dignity and be carried out individually. In addition, if an employee has a fever, you may ask him or her to leave the office, but it is a private decision whether the employee seeks medical care or not. If the organisation has an occupational doctor, he or she can examine the employee(s) upon return to work. In any case, the organisation's occupational physician keeps a medical record for each employee. The medical record includes an individual Occupational Risk Booklet, which records the results of medical and laboratory examinations each time an employee is subjected to them.

## 3 School closure, homeworking, quarantine and closing the workplace

On 5 March 2020, a 48-hour suspension of the operation of all public and private educational institutions of all levels was announced for three different Regions by the National Public Health Department, in addition to the suspension of all kinds of mass assemblies, theatres, cinemas, sporting and artistic events, visits to archaeological sites and museums. Several Mayors have announced school closures with reference to certain regions where infected people have been diagnosed. Additional measures were also announced on 8 March 2020:

- The suspension of Open Elderly Protection Centers nationwide for four weeks.
- No conferences will be possible nationwide for four weeks.
- School excursions are suspended for two weeks.
- For two weeks all sporting events will take place with no spectators.
- The preventive suspension introduced on 5 March will

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continue for schools on a case-by-case basis when linked to confirmed cases.

In collaboration with the occupational doctor, you may decide to introduce homeworking for vulnerable groups of employees (e.g. pregnant women, employees with a complex medical history).

Provided that the risk is quite severe, you are entitled to require employees who, for business or personal reasons, travel to contagious areas, to stay out of your offices for health and safety reasons. You may also decide to close one or more work sites, if the risk is sufficiently severe.

### 4 Pay

You are entitled to require employees who, for business or personal reasons, travel to contagious areas, to stay out of your offices or other sites for health and safety reasons. However, you will remain obliged to pay employees' salary for the period that such precautionary measures remain in force. You must also provide all employees subject to these measures with the suitable means and IT equipment (i.e. laptop, mobile phone etc) to work remotely. Otherwise, employees can reject working from home and request their usual remuneration. In this case, you could suggest employees take paid leave, in addition to their annual paid leave entitlement. In any event, in most

cases it is expected that employees would consent to temporarily working from home.

### 5 Advice from government or authorities

The Greek Public Health Organisation recommends people to avoid nonessential travel to areas with local transmission of coronavirus. The Ministry of Health advises that anyone with symptoms of fever, cough or shortness of breath who have a recent travel history to an affected area, must stay at home and call the following number: +30 210 521 205 4.

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# Hong Kong

## 6 Safety and hygiene

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

## 7 Testing

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

## 8 School closure, homeworking, quarantine and closing the workplace

Under current Government guidance:

- From 8 February, anyone entering Hong Kong from Mainland China is required to undergo compulsory quarantine for 14 days upon arrival.
- From 25 February, all Hong Kong residents returning to Hong Kong who have been to affected areas in Korea in the past 14 days must stay in a quarantine centre for quarantine. Hong Kong residents returning from other cities and provinces of Korea must undergo medical surveillance for 14 days.
- From 1 March, anyone (regardless of whether they are Hong Kong residents) entering Hong Kong who has been to affected regions in Italy or Iran in the past 14 days must stay in a quarantine centre for quarantine.

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

from vulnerable individuals and employees with dependants who need care.

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

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## 9 Pay

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

## 10 Travel

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

## 11 Discrimination

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

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

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

## 13 Advice from government/authorities

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

[HKSAR Government Press Releases.](#)

## 14 Other points

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

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# Hungary

## 1 Safety and hygiene

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

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

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

## 2 Testing

You can require employees to report if they are experiencing any symptoms or whether they have taken trips to infected countries or been in contact with an infected person or with someone who has arrived from a high-risk country, even if they have no symptoms.

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

The Hungarian government has declared state of emergency due to the novel coronavirus (COVID-19) epidemic. Universities are closed and have moved to remote learning; schools have not yet been closed. Nurseries may be closed but this is a decision for the governing body.

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

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

You can decide to close your business at any time even if there is no declared epidemic situation. If you do the employees must be paid. The government can also order closure.

## 4 Pay

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

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

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

## 5 Travel

Incoming international civilian train, bus and air traffic (except without landing) is suspended from China, Italy, South Korea and Iran. Only Hungarian nationals (EU nationals with a permanent permit are treated as Hungarian nationals) may enter Hungary from one of these countries. Border inspections will be reinstated on the Schengen borders. Arrivals from Italy are put into mandatory home isolation (quarantine) for two weeks.

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## 6 Discrimination

Any form of discrimination is prohibited.

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

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

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

## 8 Advice from government or authorities

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

All indoor events with more than 100 participants and outdoor events with more than 500 participants are prohibited, effectively resulting in the closure of cinemas, theatres and concerts (event coordinators may decide to limit attendance to keep open). Shopping centres, supermarkets, restaurants and catering services are not affected. For full details of the emergency measures, see [here](#).

## 9 Other points

Under the Labour Code, all employees must fully cooperate and comply with all requirements and instructions you give to protect their health.

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## 10 Safety and hygiene

Recommended prevention measures for employees include the following:

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

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

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

## 11 Testing

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

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

## 12 School closure, homeworking, quarantine and closing the workplace

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

from home if the nature of their work permits it.

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

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



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

### 13 Pay

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

### 14 Travel

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

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

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

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

### 15 Discrimination

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

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

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

sensitive personal information to government authorities.

### 17 Advice from government or authorities

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

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## 18 Safety and hygiene

You should take reasonable steps to protect the safety, health, and welfare of all your employees, including those particularly at risk. Therefore, you should do a risk assessment to identify risks to employees of contracting coronavirus while performing their duties; and implement protective and preventative measures to eliminate the risks. This may include having hand sanitisers or washing facilities available to all employees and educating employees on protective measures.

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

## 19 Testing

You can ask employees for information about their health where this is relevant to the workplace, particularly if you need to do this to protect the health and safety of others. However, this is special category personal data and so should be treated confidentially. If you suspect an employee may be infected with coronavirus, you can require them to undergo an independent medical assessment, if the employee's contract provides for this. However, Health Protection Surveillance Centre guidance advises those suffering coronavirus-type symptoms to not see

their doctor in person, but contact them by phone, to determine whether they should be tested. Refusing a medical assessment may warrant disciplinary action.

## 20 School closure, homeworking, quarantine and closing the workplace

As a precautionary measure, you may enable employees to work remotely. Many employees can work remotely, and many employers have flexible working policies. If you don't, consider contingency plans to enable your employees to work remotely.

If you need to close the workplace and remote working is not possible, you can put employees on temporary lay-off and cease pay if the employment contract provides for this and specifically states that lay-off is unpaid. If lay-offs occur, you must explain the reason for them in advance and keep employees informed. If no express provisions permit lay-offs, you may also rely on custom and practice to make lay-offs. If this is not possible, you would need to obtain the express agreement of employees to the proposed lay-offs.

## 21 Pay

If an employee is off sick with coronavirus, they will be entitled to sick leave and pay as set out in their employment contract and your sickness

absence policy. If employees are not entitled to sick pay, you may consider paying it on a discretionary basis because staff may otherwise try to work while still sick and risk spreading the virus. Employees without sick pay may be entitled to apply to the Department of Employment Affairs and Social Protection for illness benefit following the sixth consecutive day of illness.

There is no statutory entitlement to pay if an employee is absent from work. This may include employees unable to attend work because of precautionary measures taken in line with Health Service Executive advice. The Workplace Relations Commission guidance states that before ceasing pay, alternative options should be explored. This could include employees taking annual leave during self-isolation, agreeing an unpaid leave period, or working back hours or days lost later on.

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

## 22 Travel

Review Department of Foreign Affairs travel guidance, and guidance from the Health Service Executive and Health Protection Surveillance Centre. If the situation worsens, you may have to take additional measures such as minimising work-related travel. You should also consider what meetings can be postponed or replaced with conference calls, limiting or banning face-to-face meetings and workplace gatherings. However, any travel restriction should be considered in light of the potential discrimination issues that may arise.

## 23 Discrimination

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

Any request you make for employees to stay away from work should be based on

relevant guidance and should apply to all staff, regardless of nationality or ethnicity.

Preventing travel to infected areas may indirectly discriminate against certain employees so you need to ensure it is a proportionate means of achieving a legitimate aim. Protecting staff health and safety would be a legitimate aim, but an absolute travel ban might be disproportionate. Asking staff who have recently travelled to infected areas not to attend work might be indirectly discriminatory if it affects more staff of one ethnicity than others. However, this would most likely be justified as a proportionate means of achieving a legitimate aim.

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

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

## 25 Advice from government or authorities

If an employee is unwell with symptoms of fever, cough or shortness of breath and has either been in an affected area where coronavirus is circulating, been in contact with a person diagnosed with coronavirus or attended a healthcare facility where patients with coronavirus

are being treated, you should advise him or her to stay at home and not come to work; not go out to public places; and phone their doctor or the emergency services.

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

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## 26 Safety and hygiene

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

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

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

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

## 27 Testing

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

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

## 28 School closure, homeworking, quarantine and closing the workplace

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

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

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

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

## 29 Pay

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

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

### 30 Travel

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

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

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

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

### 31 Discrimination

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

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

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

### 33 Advice from government or authorities

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

### 34 Other points

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

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## 1 Safety and hygiene

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

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

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

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

If an employee shows symptoms at work:

- You must isolate the employee. As a precaution, all staff who had close contact with him or her (i.e. physical contact or presence for more than 15

minutes in the same place at less than two metres' distance) could be put on home leave for 14 days.

- Call the public emergency numbers, ask for assistance, wait for instructions.
- Monitor the situation with the Health and Safety company doctor and wait for the coronavirus test results. The employee will be on sick leave if certified.

Generally:

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

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

## 2 Testing

You cannot ask if an employee is infected or has travelled to a high-risk area: the Data Protection Authority has clearly stated only the Health and Safety Authority can ask for health and private information. You can invite all employees to report any dangerous situation for health and safety workplace, including coronavirus risks. An employee can refuse to tell you if they are infected but you will be informed by the Health and Safety Authority if they are. You cannot force an employee to be tested.

### **3 School closure, homeworking, quarantine and closing the workplace**

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

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

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

You can require employees who have had direct or indirect contact with suspected cases to work from home or be put on leave. Medical quarantine is

decided by the Health and Safety Authority. You can decide to close the workplace on collective leave.

### **4 Pay**

Employees on sick leave are paid by the Public Social Security Authority (INPS). Where an employee is in quarantine for sickness or home isolation due to symptoms or for having been in contact with an infected person (all of which must be certified by a doctor), the absence from work will be considered as sick leave and will be paid by the Public Social Security Authority.

Under the 17 March 2020 Decree, social 'shock absorbers' and financial aids have been implemented and may be provided for all companies regardless of their size or characteristics. Self-employed workers will receive an indemnity for the month of March and new parental leave has been provided to support families with children.

### **5 Travel**

All movements into and throughout the country must be avoided. Exceptions will only be made for proven business justifications, emergencies, health reasons and homecoming. Non-essential transfers or movements, especially for elderly people must be avoided. Individuals must have self-certification to be shown to the authorities to justify any kind of movement into and throughout the country. Remote working and online

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

### **6 Discrimination**

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

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

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

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## 8 Advice from government/authorities

- Wash hands frequently; all businesses open to the public, gyms, supermarkets, chemists and other meeting places, should provide alcohol-based products for hand washing.
- Avoid close contact with sick people and, in any case, avoid direct physical contact with everybody (hugging, handshakes);
- Cough and sneeze into your elbow or a tissue;
- Keep one metre away from everyone in any social context;
- Avoid sharing bottles or glasses even when playing sports or during physical activity;
- Do not touch your face with your hands;
- Do not take non-prescribed antibiotics or antiviral drugs;
- Clean with chlorine and alcohol-based products.

With the Decrees of 9 and 11 March 2020, Italy has been declared a protected zone and any gathering or physical contact must be avoided. All commercial activities must be suspended until March 25 with the exception of those providing essential goods (i.e. supermarkets, pharmacies, bakeries etc.) and only if the one-meter distance rule can be respected.

Schools, gyms, swimming pools, museums and all public and private events are suspended until 3 April. Throughout Italy, employers are strongly recommended to allow ordinary leave or holidays for employees who are not able to work from home. All company divisions that are not essential for production must be suspended; when it is not possible to suspend production keep the one-metre distance rule, safety protocols and individual protection means must be adopted. Anyone who has been in countries with a high epidemiological risk in the last 14 days (before the 8 March Decree) must communicate it to the local health authorities.

## 9 Other points

The Government has issued some specific measures to grant financial support to companies in designated red and yellow areas. All measures are changing week by week according to the situation: check with your legal advisors for up-to-date information.

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# Japan

## 1 Safety and hygiene

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

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

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

## 2 Testing

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

## 3 School closure, homeworking, quarantine and closing the workplace

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

It is up to you to decide what kind of policy you might have for homeworking, but setting up good homeworking arrangements may be very helpful to your business and many companies have already started working in this way or are about to do so.

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

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

## 4 Pay

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

employee is on sick leave, health insurance will pay up to 2/3 of their salaries during medical treatment.

## 5 Travel

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

## 6 Discrimination

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

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

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

## 8 Advice from government/authorities

Please consult

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

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

(in Japanese)

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# Kazakhstan

## 1 Safety and hygiene

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

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

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

## 2 Testing

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

## 3 School closure, homeworking, quarantine and closing the workplace

At the time of writing, the situation in Kazakhstan does not require the closing of educational institutions for quarantine.

Quarantine has only been introduced for individuals arriving in Kazakhstan from high-risk countries (1A and 1B categories, see 5 below).

To ensure employees' safety and health, you can offer employees the opportunity to work remotely or, in the event this is not possible, introduce downtime in the business.

## 4 Pay

Sick employees, employees who were in contact with a sick employee and those who are in quarantine after arriving from high-risk countries, are provided with the work incapacity certificate with a state-guaranteed payment of up to 15 MCI (in 2020, 1 MCI, monthly calculation index is KZT 2,651 which is equal to approximately USD 7).

## 5 Travel

An employee returning from 1A category countries (currently China, Iran, South Korea, Italy) is sent for 14-day quarantine with isolation at a special purpose medical facility and subsequent medical supervision for ten days after being discharged (daily phone calls).

An employee returning from 1B category countries (currently France, Germany, Spain) is subject to isolation at home (home quarantine) for 14 days with daily check-ups by health workers and subsequent medical supervision for ten days after being discharged (daily phone calls).

An employee returning from category 2 countries (currently Switzerland, Great Britain, Netherlands) will receive daily check-ups at home by a health worker for 14 days, after which the employee is asked about his or her health status by phone for ten days.

Individuals sent on business trips to third-category countries (currently Belgium, Sweden, Norway, India, Iraq, Philippines, US) are not subject to any quarantine measures. However, health workers will call them within 24 days of the date they crossed the Kazakhstan state border.

Country categorisations change very frequently: you should check the up-

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to-date list on the Ministry of Health website, see point 8 below.

### 6 Discrimination

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

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

If you or one of your employees has information about possible or suspected coronavirus infection cases, you or they must notify the sanitary and epidemiological control authority. Information which includes personal data may only be transferred with the owner's consent and is protected by law. Any illegal use of personal data attracts administrative and criminal liability.

### 8 Advice from government or authorities

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

the appropriate conditions for the isolated person and limit his or her communication with other people.

The [Ministry of Health website](#) provides up-to-date information on the current situation.

### 9 Other points

To limit the spread of the coronavirus infection, Kazakhstan has suspended the 72-hour visa-free stay for transit passengers from China.

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## 1 Safety and hygiene

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

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

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

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

Keep everyone informed about the current status: the number of infected

employees, if any (no names should be mentioned). If at all possible, employees should be granted the opportunity to work remotely upon request.

## 2 Testing

You can ask an employee whether they are infected and if they have recently travelled to a high-risk area, including by introducing a general obligation to you on return from any high-risk areas.

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

## 3 School closure, homeworking, quarantine and closing the workplace

You are not obliged to let employees work from home if their children's school is closed, though it is possible a doctor could grant sick leave to a parent to cover this situation.

Remote work is a good option in situations where it is possible. Consider introducing a policy where employees returning from high-risk areas should work remotely for 14 days. We recommend you have separate regulations or agreements with employees on remote work covering

issues such as liability for work safety requirements, confidentiality and recording of working time.

You can deny entry to the workplace for any employee who has returned from high-risk countries and has not complied with their duty under the Emergency Order to self-isolate. If he or she cannot work remotely, they can be suspended without pay.

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

## 4 Pay

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

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

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

## 5 Travel

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

## 6 Discrimination

Any measures you introduce in relation to the coronavirus must be applied in a non-discriminatory manner.

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

You can send employees for mandatory health checks if you suspect they are sick. If infection is discovered, then the authorities will take it from there. There is

no general reporting obligation for employers.

## 8 Advice from government or authorities

The Emergency Order also places a duty to self-isolate and not to go to work on anyone returning from territories affected by coronavirus.

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## 1 Safety and hygiene

Before you have any cases of coronavirus in the workplace, you should provide general information to employees on hygiene requirements and precautions. The State Labour Inspection has issued the following guidelines: you should ventilate the workplace regularly; provide sufficient hygiene products (disinfectant, paper towels, soap, etc.); ensure hygiene products are readily available to employees and customers; and regularly clean all surfaces and door handles. You should also prepare your workforce for the possibility of remote working.

If someone falls sick, you should treat it as ordinary sick leave: the employee should contact his or her doctor to get a medical certificate and stay at home. You should consider placing other employees who have been in close contact with the sick employee in quarantine at home and have them work remotely for 14 days.

Keep everyone informed about the measures that you are taking to keep the work environment safe. Avoid unnecessary travel and meetings. If possible, let your employees work remotely if they request to do so. If someone has returned from a high-risk area, you can ask them to work remotely for 14 days. Employees returning from a high-risk area may obtain a medical certificate electronically.

## 2 Testing

You are entitled to ask an employee whether they are infected and if they have recently travelled to a high-risk area. You can do this by introducing a general obligation on all employees to inform you on return from any high-risk areas.

The law obliges employees to provide you with any information that may be important for the employment relationship. Employees should abide by the principles of cooperation and transparency and should therefore let you know if they have been infected or if they have come back from a high-risk area. If an employee refuses to say they are infected, you can send them for a health check and order them to be tested, if you have a reasonable suspicion regarding their health. You should treat the health time it takes to do the health check as paid working time.

## 3 School closure, homeworking, quarantine and closing the workplace

You are not obliged to let employees work from home if their children's school is closed, though affected employees may obtain a sick leave certificate from their doctor.

Remote work is the preferred option, where possible. Consider introducing a policy where employees returning from

high-risk areas are required to work remotely for 14 days. We recommend having separate rules or agreements with employees on remote work, covering issues such as liability for work safety requirements, confidentiality, recording of working time and reporting.

In terms of quarantining employees, if an employee has returned from a high-risk area, you can instruct him or her to work from home, but if that is not possible, they cannot be forced to stay at home without pay. You can introduce 'idle' time if you cannot provide work to quarantined employees.

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

## 4 Pay

In general, coronavirus is no different from any other sickness and the ordinary sick leave rules apply. An employee should obtain a medical certificate from a doctor. The first two

days of sickness are covered by the employer and the rest by the state social security system.

If the employee works whilst under quarantine at home, they are entitled to their regular salary.

## 5 Travel

The State Labour Inspection advises people should avoid business trips to high-risk areas. Employees are entitled to refuse to go on a business trip to a high-risk area, but if, for example, only parts of a country are deemed high risk, they cannot refuse to go on a business trip to those other parts. Note that you cannot prohibit employees from travelling to high-risk areas in their free time, but you can introduce precautions: in particular you can ask them to stay at home for 14 days upon their return.

## 6 Discrimination

Any measures you introduce in relation to the coronavirus must be applied in a non-discriminatory way.

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

There is no general reporting obligation on employers. A hotline run by the National Centre for Public Health is available to anyone who is concerned about the virus. You can send employees

for mandatory health checks if you suspect they are sick. If an infection is discovered, the authorities will take the appropriate measures.

## 8 Advice from government or authorities

The following official recommendations currently apply:

- You should carefully consider if business trips to high-risk areas are necessary.
- Employees returning from high-risk areas should be given the opportunity to work remotely even if they do not have any symptoms. Alternatively, they may request sick leave.
- If you suspect an employee could create a risk for other employees or clients, you should ask him or her to work remotely for 14 days.
- You should give employees recommendations on personal hygiene precautions and make hygiene products available.

## 9 Other points

You have an obligation to ensure safe working conditions for all your employees. If you fail in this and it leads to a tangible risk to the health and safety of your employees, they are entitled to

refuse to work but at the same time, you must continue to pay them at the normal rate. This means it is very important to take precautionary measures.

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## 10 Safety and hygiene

If you must remain open and some or all employees cannot telework, you have a duty to ensure the safety and health of your employees (both those returning from risk areas and employees who have not travelled to such areas but who may be infected with coronavirus) in the workplace in general, and in all work activities.

In this respect, all relevant measures shall be taken, notably, you should equip the workplace with hand sanitiser and communicate health recommendations to employees particularly according to the recommendations provided by the Luxembourg government (i.e. wash hands regularly, avoid shaking hands, etc.). You must inform the staff delegation and the safety and health representative of the safety and health risks and the protective measures to be taken and, if necessary, the protective equipment to be used.

If an employee is sick, you should invite him or her to return home and contact the Luxembourg Sanitary Inspectorate without delay, in order to be tested.

In order to keep your organisation functioning and avoid panic, and more generally to avoid any risk of contamination, it would be judicious in particular to inform employees as often as possible about the evolution of the global situation, and to respect precautions described above.

## 11 Testing

Due to the current situation, you may ask an employee whether he or she is infected. The employee should answer, according to his or her duty of loyalty, in order to allow you to take necessary measures, if any.

You can refuse access to the workplace to an employee if you are worried that he or she may possibly be infected. In this case, you should invite the concerned employee to contact the Luxembourg Sanitary Inspectorate. However, you cannot force an employee to be tested.

## 12 School closure, homeworking, quarantine and closing the workplace

The Luxembourg Government recommends that companies should make maximum use of telework as far as possible and reduce their activities to tasks that are essential to the operation of the company.

The Prime Minister has officially announced on 18 March 2020, the closure of schools in Luxembourg until 19 April 2020. The measures described below should be extended for at least one additional month.

The Luxembourg Government has also exceptionally authorised employees to take extraordinary family leave to care for minor children due to the closure of

educational facilities. In order to benefit from the leave for family reasons:

- the employee must be affiliated to the Luxembourg social security system (including non-residents), and;
- he or she must be parent of one or more children under the age of 13 (parents of children aged 13 and over cannot benefit from the leave for family reasons);
- the child(ren) must be affected by the temporary closures of (Luxembourg or foreign) structures for primary and secondary education, vocational training, childcare, etc.

Details of the terms of this leave can be found [here](#).

If your business is partially or totally interrupted by the coronavirus epidemic, the Government has indicated employers could introduce short-time working. For details see [here](#).

You can also choose to require an employee to stay at home. See point 4 for details.

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### 13 Pay

If an employee is officially quarantined and has a certificate of quarantine delivered by the Sanitary Inspectorate, his or her absence will be mainly supported by the National Health Fund and partly by you as for an illness period.

If you require an employee to stay home from work, the Luxembourg government has taken the view that this 'uncertified quarantine' cannot be counted against statutory leave and you will have to bear the cost (e.g. by granting an exemption from work or additional leave to the employee concerned).

### 14 Travel

In order to facilitate the entry of frontier workers into Luxembourg during possible border controls, the Luxembourg Government has drawn up certificates attesting to the employment relationship with the employee. For more details see [here](#).

### 15 Discrimination

Any direct or indirect discrimination based particularly on membership or non-membership, true or supposed, of a nationality, race or ethnic group is prohibited. This means it would be appropriate for you to be vigilant with regard to discriminatory behaviour related to employees of an origin connected to a country deemed to be 'at risk'.

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

At this stage, the authorities have not required specific reporting (except in the medical sector: a report of the number of hospital beds occupied by new patients infected by Covid-19 etc. must be made.).

### 17 Advice from government or authorities

The Luxembourg government recommendations as well as those of the National Commission for Data Protection can be found here:

- [https://gouvernement.lu/en/dossiers.gouv\\_msan%2Ben%2Bdossiers%2B2020%2Bcorona-virus.html](https://gouvernement.lu/en/dossiers.gouv_msan%2Ben%2Bdossiers%2B2020%2Bcorona-virus.html);
- <https://meco.gouvernement.lu/en/dossiers/2020/coronoavirus-entreprises.html>;
- <https://cnpd.public.lu/fr/actualites/national/2020/03/coronavirus.html> (French version).

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## 1 Safety and hygiene

You should take simple precautions to protect employees' health and safety.

- Limit work trips to high-risk zones. Use telephone or videoconferencing where possible instead.
- Educate staff without causing panic. For example, send emails or display posters outlining the current situation and government advice.
- Provide tissues and hand sanitiser and encourage their regular use. In particular, encourage staff to wash their hands or use hand sanitiser on arriving in the building after using public transport and after coughing or sneezing.
- Regularly clean frequently touched communal areas, including door handles, kitchens, toilets, showers, and hotdesk keyboards, phones and desks.
- Ensure that anyone with coronavirus symptoms (cough, sore throat, fever, breathing difficulties, chest pain) does not come into work. If they have recently travelled back from a high-risk zone or have had contact with someone who has (or with someone infected with the virus), they should see a doctor and get a diagnosis. They should not return to work until all

symptoms have gone.

- Keep the situation and government guidance under review. If the situation worsens, employers may have to take additional measures such as minimising all work-related travel.
- Consider allowing high-risk individuals (including individuals above retirement age) to work from home, particularly if there confirmed coronavirus cases near the workplace.

## 2 Testing

You can ask an employee whether they are infected and whether they have recently travelled to a high risk area. An employee cannot refuse to tell you if he or she is infected with the coronavirus. If they do refuse, you should assume they are infected and ask them to stay away from the office. You cannot force an employee to get tested for coronavirus, but should instead contact the authorities and they will discuss the matter with the employee concerned.

## 3 Pay

Whilst we know that the risk of catching coronavirus in workplaces in Malta is currently low, the usual pay entitlements and sick leave entitlements in the Wage Regulation Orders, the Special Leave Regulations of 2007 or in any collective agreements applicable to an employee

will apply if someone has contracted coronavirus.

In situations where:

- An employee is not sick but you tell them not to come to work as a precaution, for example, because they have returned from China since the virus started (so-called voluntary quarantine); or
- The authorities of a country require that an employee stays in quarantine (such employees who have been on lock-down on a cruise ship, etc.) because the employee has travelled to high-risk or infected areas and;
- The employee cannot work remotely.

You and the employee may agree that the quarantine period should be counted as vacation leave, but that needs to be agreed by both sides. The second alternative (which splits the financial burden between the parties) is to apply sick leave rules to this situation. This makes sense if you consider that the fundamental principle of sick leave is that the individual is 'unfit for work'. The third solution would be paid special leave, which would be granted over and above legal entitlements.

#### 4 Travel

A concept which is gaining traction in the employer community is that if an employer sends an employee to a low-risk zone, which suddenly becomes high risk, the employee's quarantine should be treated as fully paid special leave, since the employee did not choose to travel. In cases where employees insist on going to high-risk zones despite a recommendation not to travel to those zones, employers are within their legal rights not to pay for any resulting quarantine periods.

Besides what is mentioned above, many employers are asking employees to restrict their travel to affected zones for work only and other employers are also extending the risky zones as a result of health and safety obligations, especially to zones which are adjacent to or touching high-risk areas.

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

If a suspected coronavirus case is discovered in the workplace, you should report the matter to Mater Dei Hospital or to the COVID hotline immediately, for the person to be tested. If an employee does have the virus and was at work, you must vacate the property immediately and disinfect prior to reopening the doors.

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# Mexico

## 1 Safety and hygiene

Your Safety and Hygiene Committee is responsible for implementing any coronavirus preventive measures and for communicating with employees. At the time of writing the General Health Board has not issued a health emergency alert or mandatory measures to be implemented by employers.

The Ministry of Health guidelines are as follows:

- Wash hands frequently with soap and water or use 70% alcohol-based gel.
- When coughing or sneezing, use a disposable tissue or the inside of your elbow.
- Avoid spitting: if necessary use a disposable tissue, put it in a plastic bag, tie it, throw it away then wash your hands.
- Do not touch your face with dirty hands, especially nose, mouth and eyes.
- Clean and disinfect surfaces and objects in heavy use in homes, offices, closed places, on public and private transport, meeting venues, etc. Ventilate and allow sunlight to enter.

Anyone with flu, fever or joint pain that persists for more than a week should see a doctor.

Consider implementing a home office program.

## 2 Testing

You are legally allowed to ask employees to undergo medical examinations and employees are legally obliged to undergo medical examinations. These include, but are not limited to temperature checks. Refusal may be construed as a ground for dismissal. You can certainly ask employees whether they have recently travelled to a high-risk area or whether they have been in contact with an infected person.

It is important to ensure employees are issued with a privacy notice that includes treatment of sensitive information such as results of medical examinations. Issuing a privacy notice is a legal obligation for all employers in Mexico.

If an employee is suspected to be sick, you can instruct him or her to attend a Mexican Institute of Social Security ('IMSS') clinic for an assessment. If sick leave is not granted, the employee must return to work.

## 3 School closure, homeworking, quarantine and closing the workplace

The Ministry of Education has moved the Easter holiday period forward, which will mean schools are closed from 20 March to 19 April. This does not give parents an automatic right to be absent from work or employers an obligation to grant paid leave, but they can choose to do so.

Under Mexican Federal Labour Law, you must comply with any emergency and preventive measures that are imposed resulting from a health or environmental emergency, such as closures of workplaces, schools, public buildings or even quarantine.

If you implement a home office programme we advise you communicate clearly with employees, in particular that it is not a vacation or rest period, that they need to be fully available during agreed working hours and must continue to fulfil their work obligations. In our experience, employees working from home are often offered a temporary allowance to pay for internet services and general utilities.

If employees are asked to stay away from work without implementing a home office arrangement, they will be entitled to full salary payment and benefits. You may also consider other measures, such as flexible hours, reduced schedules and granting days off from employees' annual

vacation entitlement. Measures will depend on your main activity and must be assessed on a case-by-case basis, taking into consideration any Collective Bargaining Agreement in force.

#### 4 Pay

If an employee is infected, payment will follow the same rules as a general illness certified by IMSS. IMSS must issue a sick leave certificate to the employee, ordering sick leave or quarantine. The certificate must clearly specify the start and end date of the leave. When a sick leave certificate is issued, you must pay the first three days of the leave in full. From the fourth day onwards, IMSS will pay a daily subsidy of 60% of the salary reported to IMSS. There is no legal obligation for you to pay the remaining 40%.

#### 5 Travel

As no sanitary warnings or special measures have been implemented by the government at the time of writing, you can ask employees to refrain from travelling to a high-risk area but cannot oblige them to do so.

#### 6 Discrimination

No individual in Mexico may be discriminated against for being infected. If an employee is discriminated against because of this, you could be liable to pay legal severance triggered by a

constructive dismissal attributable to the employer.

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

At the time of writing, there are no statutory reporting obligations related to coronavirus. However, if an employee is sick or has been diagnosed with the coronavirus by a private physician, we advise you to inform IMSS immediately by directing the employee to the appropriate clinic. It is important to check whether employees have been issued with a privacy notice, see step 2.

#### 8 Advice from government/ authorities

Since 1 March 2020, the Ministry of Health has been issuing daily coronavirus communications on its website. It has also opened a hotline (800 0044 800) for coronavirus issues. The federal government has also issued the hygiene guidelines described in step 1.

#### 9 Other points

A sanitary emergency has not yet been declared. If it is, it will be grounds for suspending employment relationships: there will be no obligation on employees to provide services or on employers to pay wages. Employers will, however, be obliged to pay employees the daily minimum wage for up to 30 days.

If a health emergency is declared, pregnant and lactating employees and those under 18 must keep away from the workplace. This does not affect their salary, benefits or employment rights.

You can require any employee suspected of being sick to stay away from work, however, employees will be entitled to full pay, as this will have to be treated as full paid leave of absence. This leave can count towards holiday entitlement if the employee agrees to it.

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# Netherlands

## 1 Safety and hygiene

Employers' statutory general duty of care means you must ensure employees have a safe and healthy (work) environment. In addition, the RIVM (the Dutch National Institute for Public Health and the Environment) provides general advice regarding safety and hygiene. You should obtain sufficient information from RIVM and act accordingly, for example, give proper instructions on regularly washing hands, coughing or sneezing into the elbow, only using paper towels etc. If an employee feels unwell, you should instruct him or her to stay at home and work remotely if possible. You could advise employees not to attend activities with large groups of people.

If an employee is infected by the coronavirus, he or she must be sent home immediately. Further, the employee must contact the family doctor by phone who will contact the municipal health service (GGD). For the rest, normal sickness rules apply, such as involving the company doctor. As employer you must inform the other employees about the measures taken with regard to the infected employee. Any and all employees who have been in direct contact with the employee during the incubation period, should be sent home to work remotely, provided that they have access to an adequate home office that complies with the requirements set out in the Dutch Health and Safety Act. If an adequate home office is not available, you could be forced to send the

employee home without any obligation to work. You could impose this type of measure, for example, for the quarantine period, currently set at 14 days.

## 2 Testing

Under the GDPR you can ask your employees whether they have recently visited a risk area, such as Italy or China, given your statutory obligation to establish a safe and healthy work environment. In addition, if an employee shows any coronavirus symptoms, you will have sufficient reason to ask whether he or she might be infected, because otherwise you cannot guarantee a safe and healthy work environment in the event of an infection.

If a suspicion arises that an employee has been infected with the coronavirus, you are not allowed to (medically) test an employee. This must be done by the GGD, contacted through the family doctor (see above). If an employee refuses to cooperate, you can require him or her to go home if he or she shows symptoms of the coronavirus.

## 3 School closure, homeworking, quarantine and closing the workplace

If the schools close and children have to be taken care of, employees are entitled to continued payment of salary during this so-called 'emergency leave'. In this short period of time, the employee can arrange

alternative childcare. If this is not possible, the employee will need to take unpaid leave in consultation with you.

If your business is severely affected by the coronavirus and there is temporarily less work, you could apply for a temporary reduction in working hours and employees can be eligible for part-time unemployment benefits (WW). It is not possible to apply for this for temporary or on-call workers.

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## 4 Pay

If an employee is infected by the coronavirus, he or she will have the same protection as any other sick employee (entitlement to salary etc).

If you instruct an employee to stay at home as a precaution after travelling to an affected area, then his or her absence from work is attributed to you and you must continue to pay his or her salary.

## 5 Travel

As far as business trips are concerned, you should comply with the travel advice published and constantly updated by the Dutch Ministry of Foreign Affairs. On top of that, employees are allowed to refuse to travel to risk areas if the local working conditions do not comply with the regular health and safety requirements under which they usually work.

It may be advisable to repatriate employees who are currently in risk areas because of a business trip or who are temporarily working in this area on your orders, because the situation there is no longer safe.

## 6 Discrimination

Please note that the fact that an employee is infected by the coronavirus cannot affect the employment relationship. It never creates the possibility of terminating an employment contract. Besides, a sick employee in the Netherlands is protected against dismissal for a period of 104 weeks.

## 7 Advice from government or authorities

So far, the RIVM has only provided general advice, described under 1 above.

## 8 Other points

You must take into account an infected employee's privacy requirements. This means you can only notify staff about the illness if there is a real risk of infection. Even then, you should share as limited details of the infected employee as possible. Disclosing the employee's name should be done with reticence.

The Dutch privacy laws based on the GDPR prohibit employers from processing data about a sick employee's symptoms or diagnoses and the Dutch implementation legislation is even stricter than the GDPR. However, the current situation is an exception for this prohibition. Employers can process employees' health-related personal data for the purpose of (in short) preventing health damage, for example if there is a

genuine risk of an employee infecting others with the coronavirus.

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# New Zealand

## 1 Safety and hygiene

Encourage workers to follow basic personal hygiene practices (including hand washing) and keep workplaces clean. Provide appropriate protection to staff who, by the nature of their work, have contact with sick people.

In many cases, sick employees will stay away from the workplace and request sick leave. If you are concerned about the risk of a sick employee in the workplace, you should raise this with him or her and could suggest staying away from the workplace. It may also be appropriate for the employee to work from home.

Identify health and safety risks and ensure existing health and safety policies are up to date. Consider developing risk management and communication plans to address who employees should contact if they contract the virus, and how to keep employees informed.

## 2 Testing

You can ask employees whether they are infected and whether they have recently travelled to a high-risk area to the extent those questions have a reasonable basis, are connected with your operations, and are not unfair or discriminatory to the employee.

Employees have a duty to take reasonable care that they do not adversely affect the health and safety of others while at work. They also have a duty to be responsive and communicative with you about employment matters.

You cannot force an employee to have a medical examination or test. However, many employment agreements provide that the employer can request an employee to undergo a medical examination in certain circumstances.

## 3 School closure, homeworking, quarantine and closing the workplace

You should be aware of the effect school closures could have on employees with school-age children, who may request flexible working arrangements. Employees may request flexible and/or remote working arrangements, particularly where they self-isolate or are required to be quarantined. We recommend you work with employees to make arrangements for them to continue working remotely wherever possible.

Current Ministry of Health guidelines recommend self-isolation for anyone who has had close contact with a confirmed case of coronavirus or has been in or transited through mainland China, Iran, northern Italy or the Republic of Korea. As the number of confirmed cases globally grows, increasing numbers of employees may be placed under

quarantine or advised by the Ministry of Health to self-isolate and you should consider the potential impact on operations and measures to minimise disruption.

You must ensure, so far as reasonably practicable, the health and safety of workers, and should follow Ministry of Health and Ministry of Civil Defence and Emergency Management advice. Whether employees need to be paid in these circumstances will depend on the employment agreement, workplace policies and the specific circumstances.

## 4 Pay

An employee who is sick, or whose spouse or dependent is sick, can take paid sick leave. An employee who has not taken their 5 days' sick leave in previous years can 'roll over' untaken sick leave, accumulating up to a maximum of 20 days. Employers can provide employees with more sick leave than the statutory entitlement and some employees have a contractual entitlement to more.

If an employee's sick leave entitlements are exhausted, he or she may, with your agreement, use annual leave. You could also agree to allow the employee to use annual leave in advance.

Where employees cannot report for work because they are in government imposed quarantine, they may not be entitled to payment. However, you should consider remote working arrangements and consult with the employee about whether they wish to use their sick leave/annual leave entitlements. If employees perform their normal work from home, they are entitled to be paid.

## 5 Travel

New Zealand's border is currently closed to foreign travellers who have been in or transited through mainland China or Iran, or were passengers or crew on the Diamond Princess Cruise Ship, in the past 14 days. Foreign travellers arriving from Italy or the Republic of Korea in the past 14 days should self-isolate for 14 days. New Zealand citizens and residents and their immediate family who have travelled or transited through mainland China or Iran, or been in Italy or the Republic of Korea, in the past 14 days should also self-isolate for 14 days.

## 6 Discrimination

It is unlawful for employers to discriminate against an employee based on their race or ethnicity or disability,

including physical illness. Employers should not seek to prohibit employees from the workplace based solely, for example, on their ethnic origin.

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

At present, you are not required to report cases of coronavirus among employees and should not do so without the employee's consent. The Government has asked that individuals who are concerned they have contracted coronavirus/who have self-isolated register with Healthline, and contact Healthline immediately if they begin to display symptoms.

## 8 Advice from government or authorities

As the situation is constantly developing, you should regularly monitor the Ministry of Health's guidance. The Ministry of Health has a [dedicated webpage](#).

## 9 Other points

Your obligations and whether employees are entitled to be paid for coronavirus-related absences will depend on the particular circumstances. You should seek legal advice in relation to your specific circumstances.

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# Norway

## 10 Safety and hygiene

To minimise the risk of infection, you should make a risk assessment and take necessary steps to reduce infection, such as limiting contact between people and adopting strict routines for disinfection. However, currently, the Norwegian government has stated that employees should work from home as far as possible. We recommend you follow the rules and guidelines from the Norwegian Institute of Public Health and other relevant authorities.

If someone has fallen sick, tell him or her to stay at home and contact a medical service. The employee cannot come back to work until a doctor has confirmed him or her free of infection. Because of the 14-day incubation period, you must assess whether a sick employee may have infected others. If this is possible, inform the other possible infected employees and consider implementing special measures in relation to them.

Information you provide should be transparent, clear and updated. You should have guidelines for work organisation including for working from home.

## 11 Testing

The government has imposed 14-day mandatory quarantine for anyone travelling from abroad. Given the potential consequences of the

coronavirus for you, the infected employee and other employees, you can ask an employee whether they have tested positive and/or whether they have recently travelled outside the country. The employee has a responsibility to tell you whether he or she is infected, and/or whether he or she has travelled outside the country.

If the employee refuses to tell you if he or she is infected and/or whether he or she has travelled outside the country, you cannot force them to tell you. You cannot force someone to be tested (however, special guidelines may apply in certain sectors, such as healthcare). If an employee refuses to be tested, you can order him or her to stay at home, and work from home if possible. Whether there in such a case is an obligation to pay the employee if work from home is not possible must be assessed case to case.

## 12 School closure, homeworking, quarantine and closing the workplace

The government has closed all kindergartens and schools from 13 to 26 March (this may be extended). The Norwegian Labour and Welfare Administration (NAV) has stated that the rules on parents staying at home with sick children also apply to parents staying at home because kindergartens/schools are closed. These rules only apply if the child is 12 or younger during 2020. As a

starting point, each employee has the right to ten days' paid leave per calendar year (15 days if they have more than two children). If the employee has sole care of the child or children, they have 20 days of paid leave for one or two children; 30 days for more than two.

For days exceeding these limits or outside these situations, the employee must apply for leave without pay. Employees can also use vacation days or time off, subject to employer approval.

You can require work from home, and must facilitate this if it is decided. The current guidelines recommend work from home as far as possible. We recommend you give employees guidance and information on how to work from home. You can require an employee to stay away from work even if the authorities do not quarantine him or her, if you consider it necessary to reduce risk of spread of the coronavirus. You can decide to close the workplace.

## 13 Pay

An employee infected with coronavirus (documented by a doctor) has the right to sick pay according to the ordinary sick pay rules. Currently (17 March), the employer pays full pay for the first 16 calendar days. However, the government has proposed that employers only be responsible for the first three days due to the coronavirus.

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This rule is not yet formally approved, but it is expected to be approved on 20 March.

After the employer-period of 16 days (three days if the new rule is implemented), NAV pays sick pay (or the employer pays but can claim reimbursement from NAV within three months). Sick pay is equal to the employee's annual salary (up to six times the national insurance scheme basic amount of NOK 99 858).

If the infection is not documented, but the employee has to stay in quarantine on medical advice and cannot work from home, the sick pay rules above apply, according to recent NAV guidelines.

The right to sick pay does not depend on the reason for the quarantine (private or business related). The decisive issue is whether a doctor recommends quarantine or not. If the employee chooses to self isolate other than on medical or employer advice, the employer has no obligation to pay sick pay. If the organisation's quarantine rules are stricter than the doctor's recommendations, the organisation has to pay all salary.

### 14 Travel

The government is currently discouraging all non-essential international travel. We recommend you keep your travel guidelines under constant review based on official recommendations.

In general, employers cannot decide where employees travel privately. However given the government has imposed automatic quarantine on return from abroad, and is advising against all international travel, you can encourage employees not to travel outside the country. This cannot be formulated as an absolute demand.

### 15 Discrimination

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

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

Reports to the authorities on employees that have tested positive for the coronavirus or have travelled to a designated risk area may contain special category data. However, given the special circumstances, employers can report relevant data to authorities if this is necessary to fulfil their responsibility towards the authorities.

### 17 Advice from government or authorities

The Norwegian Institute of Public Health publishes [advices and guidelines](#) in English regularly.

### 18 Other points

The situation is changing from day to day. These top tips were updated at 17 March.

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## 1 Safety and hygiene

Before you have any cases of coronavirus in your organisation, we recommend you think about some workplace strategies to help reduce the spread of the illness, such as obtaining supplies of hygiene products.

When someone has fallen sick, as you are responsible for the safety and health of all your employees, you should bar the sick person from entering the workplace in order to reduce the risk of infection.

In order to ensure the continued smooth running of your organisation, communicate frequently and well with your employees. Put up posters and send emails informing people about your policies and ensure everyone is aware of any rules and restrictions.

## 2 Testing

You are not entitled to ask employees to tell you whether they are infected, because this falls within the scope of employee privacy. But in order to protect the health of all of your employees, you can ask employees to sign a statement to the effect that they will inform you in good time if they travel to, or return from, regions considered to be at risk of the coronavirus outbreak, such as China, South Korea and Italy.

Be aware that employees are entitled to refuse to tell you if they are infected.

You are entitled to require employees to take medical checks. Any medical check carried out should comply with the principles of respect to human dignity and must be carried out individually.

If you have an occupational doctor, they should examine any employees who have been off work upon their return.

## 3 School closure, homeworking, quarantine and closing the workplace

It is advisable for all employers to set up a home working policy so that all employees are clear about the rules and parameters.

If an employee is quarantined by a doctor and can't work from home, they will be entitled to sick pay (see point 4 below).

The workplace could be closed if there is a force majeure situation. This would empower the employer, without prior authorisation, to suspend any temporary employees for up to 90 days. To do that, you need to notify the Administrative Labour Authority immediately. You must adopt measures that avoid aggravating the situation employees find themselves in as far as possible, and, for example, let them have any leave that they are entitled to. The Authority will check within six days what has been done and whether there is a good reason for it. If the Authority finds the reason insufficient, it could order the immediate resumption

of work and payment of employees for the time that the workplace was closed.

## 4 Pay

If an employee is sick, the employer must pay for the first 20 days of sickness. EsSalud will pay thereafter, for up to 11 months and ten days.

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## 5 Travel

Employees are able to travel and visit any country they wish during their vacations. In this case, when employees return to work, the employees should submit a medical certificate proving he or she is in good health.

You could suspend business trips for employees if they are considered a risk for employees' health.

## 6 Discrimination

You must not discriminate against sick employees, as that would be considered as a hostile act.

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

Only hospitals and medical centres are authorised to report coronavirus cases. Employers have no power to do so and no obligation.

However, you should initiate awareness campaigns to ensure your employees stay as safe as possible at the workplace and should ask employees with any respiratory illness, or who have made trips to infected areas, to have get themselves tested at a medical centre. You, as an employer, are not entitled to know the result, as this constitutes sensitive data. If an employee voluntarily tells you they have the coronavirus, you

should process this information according to the principles of confidentiality and security.

## 8 Advice from government or authorities

The health authorities are informing citizens about the coronavirus and the ways to avoid it.

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## 9 Safety and hygiene

You should provide employees with proper personal protective equipment (e.g. masks, gloves etc.) where necessary if their work position exposes them to high risk of contracting coronavirus. All employees should have access to disinfecting products. You should also promote regular and thorough hand washing in the workplace and provide instructions on what to do if someone shows signs of coronavirus infection.

## 10 Testing

You have the right to ask employees whether they have been in regions with a higher level of risk (e.g. in China or Italy) or if they have contacted someone with coronavirus. The basis for processing this information will be Article 6(1) (f) of the GDPR: processing of personal data in order to fulfil legal obligations, in this case the obligation to ensure safe and healthy working conditions.

The National Labour Inspectorate states that an employer is not entitled to assess the employee's health itself. It is debatable whether an employer can send an employee for a medical check-up if he or she shows symptoms (cough, high temperature).

Therefore, if you note symptoms, it is recommended you suggest the employee reports him or herself to the

epidemiological authorities, so they can decide what further actions should be taken and if the employee should be ordered to stay on quarantine.

## 11 School closure, homeworking, quarantine and closing the workplace

Schools in Poland will close from Monday 16 March. In the event of school, nursery or kindergarten closure employees can take vacation leave, work from home or apply for a care allowance for a period of up to 14 days (if his child is younger than eight years old): in this case absence will be justified and partially paid by the state. Longer absence for this reason can be also justified but not paid.

As of 8 March 2020, employers are allowed to require employees to work remotely from home or another place. In practice homeworking is agreed with employees. During quarantine, employees can work from home. If an employee cannot or chooses not to work his or her absence will be justified and partially paid.

Where remote work is not possible, you may also decide to close the workplace or grant the employee unused vacation leave from previous years.

## 12 Pay

An employee whose sickness is confirmed by a medical certificate issued

by a doctor is entitled to sickness pay and sickness benefit both in the amount of 80% of his or her salary. This is paid by the employer for 33 days in a given calendar year. Sickness benefit is financed by the state. The same rules apply to quarantine ordered by proper authorities unless an employee is working from home in which case he or she receives full remuneration from the employer. Care allowance is also 80% of pay and is financed by the state. In the event case workplace closure, each employee should be paid according to his or her individual monthly or hourly rate of basic pay and if this has not been identified, 60% of salary.

## 13 Travel

Entry of non-Polish nationals into Poland was suspended from 15 March. All international flights to Poland are cancelled and Poland has re-introduced border controls with Schengen countries. All Polish nationals returning to Poland from anywhere abroad must enter a 14-day home quarantine. The initial duration of these measures is ten days but they may be extended.

If an employee is ordered to go to a place where the risk of contracting a disease is particularly high, he or she can refuse to go on the trip, indicating that the conditions of work performance do not comply with appropriate health and safety conditions and pose a threat to his or her health. You should, however, not require employees to travel to such places.

Useful general information can be also found on [General Sanitary Inspection website](#).

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## 14 Discrimination

You should avoid discrimination against employees who have an ethnic background associated with the coronavirus or who are confirmed or suspected to have contracted the coronavirus. Other employees should be treated equally, for example in terms of being allowed to work remotely.

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

Although, there is no such express legal obligation so far, it is recommended you immediately inform the proper sanitary authorities about any justified suspicion of coronavirus in the workplace, in particular if symptoms were detected.

## 16 Advice from government or authorities

The National Labour Inspectorate has published some [guidelines for employers](#) (in Polish).

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# Portugal

## 1 Safety and hygiene

Take precautions: staff should be informed precisely and clearly about coronavirus, to avoid panic and anxiety but also to let them to know which preventive measures they should implement.

Create contingency plans addressing the potential effect of an infected employee on the organisation, how to deal with a possible infection case and what to do if there is an infected person in the organisation. Share these plans with employees and provide them with relevant emergency contacts.

Provide tissues and hand sanitiser and encourage their regular use. Encourage staff to wash their hands or use hand-sanitiser on arrival in the workplace after using public transport and after coughing or sneezing. Use posters and other visual material, to make the message more effective. Regularly clean frequently touched communal areas (door handles, kitchens, toilets, keyboards, phones and desks).

If someone falls sick with coronavirus:

- Clean and disinfect the 'isolation' area where the infected person was kept;
- Reinforce cleaning and disinfection, especially in areas frequently used by the infected person, their work

area and materials and equipment used by them;

- Store the confirmed case's personal belongings and all the material used in the isolation area (gloves, masks, tissues, etc.) in a plastic bag, to be closed, segregated and sent to an authorised operator licensed to treat hospital biological hazard residues.

## 2 Testing

Given the seriousness of the situation, asking employees if they are infected or whether they have recently travelled to a high-risk area should, in principle, not constitute a breach. You cannot, however, require an answer to these questions, or require an employee to get tested for coronavirus.

## 3 School closure, homeworking, quarantine and closing the workplace

In extreme situations, schools and other facilities (e.g. nursing homes) can be closed and employees may need to stay home to look after their families. You can also decide to close your premises. If so, you will have to continue paying employees as if there had been no closure.

Homeworking policies should be implemented or reinforced, to enable your organisation to continue operating. You can advise employees quarantine themselves, especially individuals from risk groups, but you cannot force them.

## 4 Pay

The normal sick leave waiting period (three days) does not apply to coronavirus situations: employees are paid in full from the first day of absence. The state bears the cost.

If a doctor orders quarantine, employees are entitled to be paid in full for the first 14 days. After the 15<sup>th</sup> day, normal sick leave pay percentages will apply. The State bears the cost.

If you as employer impose quarantine on an employee, you bear the cost of the employee's quarantine, even if the employee cannot effectively work from home.

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## 5 Travel

Limit work trips to the bare minimum and set up approval mechanisms for trips that are considered essential. Use telephone or videoconferencing where possible instead. Work travel to especially dangerous areas should be forbidden. Personal travel can be discouraged, but not prohibited.

## 6 Discrimination

Restricting workplace access for specific ethnic origins (e.g. Chinese people) can be seen as discriminatory. Restrictions on workplace access should be based on objective reasons, for example, people who have travelled to high-risk areas in the last 14 days.

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

If an employee has symptoms, he or she must contact the National Health Services helpline. If symptoms are considered a potential coronavirus situation, but the health services do not confirm infection, the employee must inform you and you must inform the medicine at work services. If symptoms are considered a potential coronavirus situation, and the health services confirm the infection, the Health Authority will inform you.

## 8 Advice from government or authorities

You should assess:

- Activities that are indispensable to maintain the company running.
- Essential resources (raw materials, suppliers, logistics) to keep the organisation running and to satisfy clients' basic needs.
- Staff required to guarantee the above. Consider training additional staff to replace them if they cannot come to work.
- Staff that have higher risk of infection.
- Activities that may use alternative forms of work (telework, videoconferences, teleconferences and client's remote access).

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## 9 Safety and hygiene

We recommend you promote awareness in the workplace. You should disinfect frequently, and provide employees with items such as hand sanitiser, soap and tissues. Employees' interaction with other people (such as work-related meetings) should be limited as far as possible. Encourage employees who are experiencing symptoms to visit their doctor and to collaborate with the occupational physician regarding this.

Sick employees potentially infected with coronavirus, should be reported to the state authorities, who will isolate them and most likely other employees who have been in contact with them.

You should keep employees informed about measures to mitigate the risk of being infected and grant them the right to work from home if they wish (to limit the risk of disease spreading).

## 10 Testing

Test are only conducted by the state authorities, at their discretion, and only for cases that indicate a risk of coronavirus infection. Quarantined individuals are automatically among those tested for coronavirus.

## 11 School closure, homeworking, quarantine and closing the workplace

All, schools in Romania are currently closed until 22 March.

The Romanian authorities have a constantly updated list showing:

- In red, regions around the world that are under quarantine for coronavirus. Any person who has travelled there automatically goes into quarantine at a specific place designated by the state for 14 days.
- In yellow, regions with a high rate of coronavirus cases. Any person who has travelled there automatically needs to self-isolate at home for 14 days.

[The list](#) is available in Romanian. Employees who have recently travelled to the affected zones and who are not quarantined by the competent authority (and who are therefore able to come to work) can be encouraged to work remotely. Specific clauses must be included in the employment agreement to facilitate this, or included in an addendum to the employment contract.

If you decide to close the workplace, this must be preceded by a corporate decision to this effect and should be carefully implemented so as to avoid

potential claims from employees (including claims that their right to work is restricted).

## 12 Pay

You can offer employees who have recently travelled to the affected zones and who are not quarantined by the competent authority (and who are therefore able to come to work) paid time off or encourage them to use their annual leave (if implementing work-from-home measures is not feasible).

Employees infected with coronavirus or who are placed in quarantine or self-isolated at home by the state will be on medical leave, implementing the effect of a medical certificate issued in relation to their condition. Their employment contracts will be suspended by law during the medical leave period. They will also be entitled to an allowance paid by the state (i.e. medical leave).

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This entitlement to an allowance does not apply to individuals who unilaterally decide to self-isolate without being in a situation that triggers self-isolation and who are not issued a medical certificate for their condition (or do not submit one to you by the legal deadline). It is also not available to individuals who have not met the minimum statutory health insurance system contribution period.

### 13 Travel

The Ministry of Foreign Affairs has a special page on its [website with coronavirus](#) information. It has also issued [recommendations on foreign traveling tailored for each country](#) (e.g. [for Italy](#)). Travelling should be limited as much as possible, especially business travel, to minimise the risk of employees claiming that they have contacted the virus or been quarantined or self-isolated because their employer forced them to go on a business trip.

### 14 Discrimination

Any measures you implement should be applied in a uniform manner. Any differences in treatment may be seen as a discriminatory. For example, requiring some employees to stay at home, while others in similar situations can come to the office may lead to discrimination claims.

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

There are no specific reporting obligations for employers, but in practice, the authorities will eventually be informed about cases that indicate a coronavirus risk to take the necessary measures, such as specialised testing or isolation protocol.

### 16 Advice from government or authorities

The Government has published a [Q&A](#) on the most popular questions on the coronavirus outbreak (in Romanian). It explains the difference between quarantine and self-isolation at home, as well as other issues related to self-isolation and also briefly covers the topic of medical leave.

### 17 Other points

You should carefully monitor the situation and urgently implement preventive measures to avoid the risk of the disease spreading among employees, which would ultimately affect business continuity. You should prepare yourself from a legal perspective for every possible scenario, including business closure, sending employees to work from home, or sending certain employees home to minimise risk and assess the legal implications of these potential measures.

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## 1 Safety and hygiene

You have a duty to provide employees with safe working conditions and protection and to keep them informed. We advise you to:

- Identify exact locations of all employees and limit travel to high-risk areas.
- Appoint someone (e.g. an HR person or Health and Safety official), to monitor and review guidance from governmental bodies and be a point of contact for concerned employees.
- Consider legal requirements prior to implementing changes to terms and conditions of employment.
- Keep employees informed via emails, training and visual materials (including on sneeze etiquette and handshake hygiene) without causing panic.
- Provide hand sanitiser and face masks, educate staff on their use and encourage regular use.
- Regularly clean and air the workplace, including using sanitisers where necessary.
- If an employee falls sick, ensure that he or she does not continue working.

## 2 Testing

Legally, you cannot force an employee to undergo a medical examination. If an employee refuses to undergo examination and/or the concerns are not proved, you will not be able to suspend or dismiss them.

You can ask employees whether they are infected and whether they have recently travelled to a high-risk area. However, employees are not obliged to provide answers.

## 3 School closure, homeworking, quarantine and closing the workplace

Employees who are not sick but are asked to remain away from work because they have returned from a high-risk area may be able to work from home. They should be paid as normal and may not be asked to use their annual leave entitlements to cover this absence.

This is a practical solution and the law does not cover how to formalise this kind of change to working conditions. Crucially you remain responsible for employees' health and safety during working hours, even if the employees are not physically located at your premises.

An alternative approach is to agree on paid leave with employees. You can either allow them to use accrued days of

annual paid leave or grant additional paid leave days.

If quarantine is imposed on infected employees, they must be suspended from work by law. This suspension is formalised with an officially sick leave certificate which specifies duration.

If you decide to close the business, employees' absence will need to be formalised as downtime imposed by the employer. You must pay employees at least 2/3 of the normal monthly salary for this time.

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## 4 Pay

If an employee is sick, you are responsible for paying the first three days' sickness benefit. From the fourth day of absence, the Social Insurance Fund is responsible for payment, though you pay out the benefit and reclaim from the Fund. The rate of sickness benefit depends on how long the employee has been insured with the Social Insurance Fund, varying from 100% of salary to statutory minimum wage. Employees must provide a sick leave certificate on their return to work. You must not dismiss an employee who is absent from work because of illness, unless the business is liquidated/wound up, or its activities are terminated.

If an employee is officially quarantined, their time will be paid as if they were on sick leave. To receive payment, employees will need to provide you with a sick leave certificate.

## 5 Travel

The Federal Service for Labour and Employment ('Rostrud') recommends avoiding visiting high-risk areas until the situation stabilises. The Ministry of Foreign Affairs of the Russian Federation advises Russian citizens refrain from travelling to China, South Korea, Iran and Italy, except in an emergency. If your business involves employee travel to high-risk areas we recommend you establish customer or business contact

through other means (teleconference, webinar, or videoconference).

Russia has imposed significant temporary restrictions on entry from Iranian and Chinese citizens and on all entry from Iran and South Korea. It has stopped accepting applications for work permits and work visas from Chinese and Iranian citizens. Check if any of these restrictions affect your employees.

In Moscow, everyone who has returned from a high-risk area must inform state authorities and isolate themselves for 14 days. You should allow them to work at home for this period and pay them as normal. If they don't work, you cannot ask them to use annual leave to cover their absence. They will be given a formal medical certificate and should be paid at their usual rate for the time they are away.

## 6 Discrimination

If you target staff of Chinese ethnic origin and request them not to come to work during the coronavirus outbreak, this could lead to direct race discrimination claims. Any request not to attend work should be related to potential exposure to the virus and should apply to all staff regardless of nationality or ethnicity.

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

There is no particular requirement obliging employers to report, with the exception that if you are in Moscow and have employees who may have been exposed to the coronavirus, you must tell the state authorities if they ask you for this information. You must also disinfect any areas where the exposed employees have been, do heat tests on all your employees and suspend any that have a high temperature.

## 8 Advice from government or authorities

The Government travel and migration regulation is being regularly updated based on global developments: you should track these updates.

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# Saudi Arabia

## 1 Safety and hygiene

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

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

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

## 2 Testing

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

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

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

## 3 School closure, homeworking, quarantine and closing the workplace

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

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

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

## 4 Pay

Employees are entitled to 120 days' sick leave (comprising 30 days paid, the next

60 days at 75% of pay and the remaining 30 days without pay).

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

## Contact our specialist in Saudi Arabia



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## 5 Travel

KSA has taken the following precautionary measures:

- Entry to the KSA to Mecca for Umrah and Medina to visit the Prophet's Mosque has been suspended (except for GCC nationals who have obtained a permit from the Ministry of Hajj and Umrah).
- Suspension of a tourist visa for anyone coming from China (including Taiwan, Hong Kong and Macau), Iran, Italy, North Korea, Japan, Thailand, Malaysia, Indonesia, Pakistan, Afghanistan, Iraq, Philippines, Singapore, India, Lebanon, Syria, Yemen, Azerbaijan, Kazakhstan, Uzbekistan, Somalia and Vietnam.
- Those travelling from China (including Taiwan, Hong Kong and Macau) and Iran are not allowed to enter the KSA until 14 days after their exit from these countries. This includes transit passengers.

## 6 Discrimination

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

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

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

## 8 Advice from government or authorities

See travel advice at point 5 above.

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## 9 Safety and hygiene

You must enable adequate health and safety measures for your employees and others present and working in your work environment. Regardless of whether coronavirus has been detected among employees or their families, you should regularly check if workplaces are clean and hygienic, promote regular and thorough hand washing, ensure that face masks and/or paper tissues and hand sanitisers, plus closed buckets for hygienic disposal are available in the workplace.

An employee who has fallen sick or has any symptom of the virus will be placed on regular sick leave. To ensure all employees' health and safety, you can also ask these employees to abide by the obligatory Serbian Government recommendations and stay at home, avoiding close contact with other people and suggest visiting the doctor. You may also decide to grant employees collective vacation or another type of paid leave.

You should communicate regularly and transparently with employees about the measures the organisation is taking to prevent transmission of the virus.

## 10 Testing

Your duty to provide a safe workplace for all employees gives you a right to ask an employee whether he or she is infected or whether he or she has recently

travelled to a high-risk area. Employees must inform employers about every potential threat to their own and other employees' life and health. This means employees should inform you if they are infected. Failure to comply with this may be a breach of duty in relation to health and safety and is grounds for termination.

Although the circumstances in which you can refer an employee for medical testing are limited (a suspicion that the employee is under influence of alcohol/drugs or that he or she is misusing sick leave), you must also ensure working conditions comply with health and safety regulations and are entitled to stop work that poses an immediate threat to employees' life or health. In view of this, it seems reasonable that you can refer an employee for testing for coronavirus, if symptoms are present.

## 11 School closure, homeworking, quarantine and closing the workplace

The Ministry of Education has announced that schools will stay open since there are currently no indications that they should close.

You may introduce remote working for positions for which it is viable, particularly if the outbreak intensifies and the situation becomes more serious.

Currently, self-quarantine is only recommended for infected individuals, or those suspected to be infected.

Some businesses have already closed due to infection: employees working there were mostly instructed to work from home. If it is impossible for some or all employees to work remotely, you have the option to put employees on 'forced paid leave' due to temporary cancellation of work. Coronavirus may be a justifiable reason to apply this. If so, employees will be entitled to 60% of their average salary for the previous 12 months (but not less than the minimum salary). Paid leave can last no longer than 45 working days in a calendar year, but can be extended with the Minister's prior consent: In the present circumstances, it would be realistic to expect consent to be granted.

## 12 Pay

An employee will be placed on sick leave according to a medical certificate for coronavirus infection (or other illness), and will be entitled to 65% percent of his or her salary. The employer pays the first 30 days of sick leave, after which the state pays. In the event of quarantine caused by a contagious disease, the employee is entitled to 65% of salary.

## Contact our specialist in Serbia



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### 13 Travel

Many employers in Serbia are suspending or rescheduling all work trips and requesting information from the employees about travel to critical regions. The Serbian Government has issued a temporary ban on entry for foreign nationals coming from areas with intensive coronavirus transmission. It applies to people coming from Italy, certain provinces of China, South Korea, Iran and parts of Switzerland. The Government has also prohibited health and social care system employees travelling to high-risk countries.

### 14 Discrimination

Serbian law forbids discrimination against individuals due to their medical condition. These general rules will apply where employees are suspected to have or have coronavirus.

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

Employers must immediately report any occurrence that may jeopardise employees' safety and health to the Labour Inspectorate and the Ministry of Internal Affairs, and not later than 24 hours after it happened. Based on this, we recommended you abide by this rule if there is a possible coronavirus infection among employees. When reporting, you must respect data protection principles and not share with the authorities more

information than it is necessary for identifying and localising the employee and for protecting public health interests.

### 16 Advice from government or authorities

The Serbian Government advises citizens to follow medical advice. It has banned public indoor gatherings of more than 100 people. The Ministry of Health has instructed anyone who has travelled to Wuhan or Hubei Province, or was in contact with anyone affected by respiratory infection caused by coronavirus, or an unknown pathogen to reduce contact with individuals in his or her household, workplace or public places for 14 days and self-quarantine. They should wear a mask, increase hand hygiene, avoid contacts with others, use a tissue when sneezing or coughing, and call the responsible epidemiologist of their local public health institute if symptoms of a respiratory infection appear.

### 17 Other points

The The Ministry of Health has a direct emergency phone line for travellers coming from areas with intensive coronavirus transmission, and others with symptoms and a [website](#) with daily updates on the situation in Serbia and the rest of the world. The Government has announced that additional instructions on treatment of employees in quarantine will be issued soon.

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# Singapore

## 1 Safety and hygiene

Ministry of Health recommendations include practising good personal hygiene, including frequent hand washing with soap, covering mouth with a tissue when coughing or sneezing and disposing of the tissue immediately and wearing a mask if you have respiratory symptoms. Seek medical attention promptly if you are feeling unwell. You should also increase the frequency of cleaning premises.

If an employee is confirmed infected, you should immediately vacate and cordon off the section of the premises where he or she worked and identify other employees who have had contact with the confirmed case for contact tracing purposes. You should cooperate fully with MOH or other relevant Government agencies as necessary. You must also carry out a thorough cleaning and disinfecting of the section of the workplace premises where the confirmed case works in accordance with National Environment Agency ('NEA') guidelines.

Ensure your employees are fully informed of the procedures that the organisation is implementing and are aware of any enhanced measures that will be put in place if the situation worsens. You should keep pace with governmental advisories and recommendations. Where practical, you should implement business continuity plans before even any employee is infected.

## 2 Testing

You can require any employee to disclose their travel history and to notify you if they have been infected. If you impose such a requirement on an employee, he or she cannot refuse to inform you and failure to inform you may be an act of misconduct.

You cannot direct an employee to be tested for coronavirus. However, if you believe that an employee may be infected, you can ask the employee to undergo a medical examination and if the employee refuses, you may take the necessary discipline action provided that your policies allows you to do so for acts of insubordination.

## 3 School closure, homeworking, quarantine and closing the workplace

Schools in Singapore remain fully operational, but the Ministry of Education has issued an advisory for schools to suspend large group or communal activities.

If telecommuting arrangements are feasible, you are entitled to request an employee to work from home. As a precaution, you may require an employee with an affected family member to stay away from work and where relevant, make available arrangements for the employee to work from home.

Based on current regulations, the Singapore government has the power to impose a Stay Home Order (SHO) on:

- Residents (Singapore Citizens and Permanent Residents) with recent travel history to Mainland China (outside Hubei province), Iran, northern Italy, or the Republic of Korea within the last 14 days; and
- Long-term pass holders with recent travel history to Mainland China (outside Hubei province, Iran, northern Italy or the Republic of Korea within the last 14 days.

People on a SHO must remain indoors at all times.

All returning employees with Hubei travel history will be quarantined at home or at government designated facilities under a Quarantine Order ('QO'). If an infected employee has been in the workplace prior to being quarantined, you should close the workplace to allow for deep cleansing and disinfecting. If employees can work remotely, you are entitled to

close the workplace for extended periods in the interest of ensuring employees' safety.

#### 4 Pay

If you require an employee with an affected family member to stay at home, you are still obliged to pay the affected employee's salary. You cannot require the employee to use his or her annual leave entitlements to cover their absence from the office or from their work from home arrangements. You can ask the employee who is ill to see a doctor. An employee will be given a minimum of five days sick leave for a genuine illness and is entitled to be paid during sick leave. If your policy allows an employee to go on sick leave without a medical certificate, this sick leave will be on full pay. Employees on a SHO or a QO should be able to count this period as part of sick leave or hospitalisation leave. If the employees do not have sufficient leave, you could consider giving additional leave: it is recommended to exercise a certain level of flexibility.

#### 5 Travel

To compel an employee to travel to a destination with known coronavirus cases, that travel must be within the employee's ordinary course of work. Your right to require such travel must be balanced against your duty to take necessary measures to ensure the safety and health of employees at work, so far

as is reasonably practicable. If the destination country has a travel advisory issued against it, you should heed the MOM advisory against penalising employees who refuse to travel to countries with travel advisories issued against them.

#### 6 Discrimination

An employer should not be exposed to any allegation of discrimination only by reason of imposing any restrictions or directives on an employee infected with coronavirus.

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

Information about an employee's medical condition is personal data under the Personal Data Protection Act 2012 and should not be disclosed without the individual's consent. If you cannot obtain consent to disclose, you may disclose this information on the ground that the disclosure is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual. If an employee has contracted coronavirus, it could be argued that disclosing their name, to the authorities, would be essential for contact tracing and for preventing the spread of the virus. Wider disclosure may not be covered by this exception.

#### 8 Advice from government or authorities

[Health advisories](#) for various sectors in Singapore.

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# Slovakia

## 1 Safety and hygiene

As you are responsible for health and safety at workplace, you need to take precautionary measures, for example, informing staff about how to minimise the risk of contagion, regular workplace disinfection and limiting business trips abroad.

You are entitled to send an employee for a medical examination, after consultation with employees representatives and the doctor. If they have symptoms of the disease or have recently been on a trip to a high-risk country, you can order them to stay at home, but you must continue to pay wages at the usual rate, unless they have a right to sickness benefits. If the statutory conditions are met, you may order the employee to take annual leave, or you might be able to agree homeworking.

Overall, keep your employees informed, do not compel them to travel abroad and create a plan to ensure the continued smooth functioning of the company, even if some employees are quarantined.

## 2 Testing

You can require employees to tell you whether they have recently visited a high-risk country, as this in your legitimate interests. They are obliged to let you have this information.

If you have reasonable doubts about the health of an employee, you are entitled, after consulting the employee representatives and a doctor, to order the employee to take a medical test.

## 3 School closure, homeworking, quarantine and closing the workplace

If an employee has to care for a child under ten during a school closure, s/he is entitled to time off work and so-called 'nursing benefit', payable by the Social Insurance Agency. In other cases, you can agree paid or unpaid leave with affected employees.

If your employees could practically work from home, you are free to agree on a home working arrangement at any time.

If quarantine measures are ordered and an employee cannot work because of this you are obliged to pay the employee (at 25% - 55% of the employee's daily assessment) for ten days. Thereafter, the employee is entitled to sickness benefit, payable by the Social Insurance Agency.

Even if no quarantine is ordered, you may decide to close the workplace. If possible, you should agree for homeworking to be done. If certain statutory conditions are met, you can order the employee to take leave, but if not, you will have to pay the employee in the ordinary way.

## 4 Pay

For the first ten days of sick leave or quarantine, you must pay:

- 25% of the employee's daily assessment base for the first three days,
- 55% of the employee's daily assessment base from the fourth to the tenth day.

From the eleventh day, the employee will be eligible for sickness benefit payable by the Social Insurance Agency, at of 55% of the employee's daily assessment base.

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## 5 Travel

Generally, you can require employees to take a business trip to a country or area of risk if this is agreed in the employment contract or the employee gives consent. However, you should think about how necessary it is to travel, the level of risk involved and the medical fitness of the employee. On this last point, it is advisable not to send older employees or those with cardiovascular disease and it is best to avoid the business trips to the highest risk areas.

may, however, seek advice via various hotlines provided by these state authorities.

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## 6 Discrimination

Make sure not to discriminate directly or indirectly against any particular group when devising your policies.

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

There is no requirement at present for employers to report instances of coronavirus to the authorities.

## 8 Advice from government or authorities

The Public Health Authority and Chief Hygienist of the Slovak Republic have published general recommendations on hygiene habits and other measures to prevent the transmission of the disease. However, special guidelines for employers have not yet been issued. You

# Slovenia

## 1 Safety and hygiene

The Slovenian Government strongly recommends that as many employees as possible work from home but has not adopted any specific regulation instructing work from home. Many employers have already decided to implement work from home.

If you do not decide to send employees to work from home or cannot due to the nature of work, we recommend you follow the measures below:

Provide employees with personal and general hygiene recommendations to help prevent possible infection. We recommend you provide free personal protective equipment (e.g. disinfectants for hands, protective masks) and inform employees about its use. Ensure that the distance of at least 1.5 metres between employees is respected.

If an employee falls sick, consult a medical service by telephone for instructions on how to proceed. Isolate the sick employee to preserve safe and healthy work conditions for others. The competent authorities will determine further measures (such as isolation) that have to be followed.

It is not currently possible to send all employees who were in contact with a sick employee but who do not show any signs of infection for preventive

testing. We advise taking preventive measures such as ordering work from home or putting employees on gardening leave and instruct them to limit any unnecessary contacts.

You should not underestimate the situation, and strive to ensure a safe and healthy work environment. Educate and remind employees about respiratory etiquette and hand hygiene, actively encourage sick employees to stay home to prevent them infecting others, practice social distancing, pay attention to cleaning and hygiene, limit or cancel business trips and travel and visits from foreign colleagues or clients and make provisions in internal rules or employment contracts for working from home.

## 2 Testing

To ensure a safe and healthy work environment, you can ask whether employees have recently been in higher-risk regions (e.g. in China or Italy). The GDPR ground for processing this personal data is that it is necessary for the purposes of the controller's legitimate interests (i.e. ensuring safe and healthy working environment).

Employees must comply with the rules on safety at work and also protect their own life and health as well as that of their co-workers. Based on this obligation, they are obliged to inform you if they are

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

## 3 School closure, homeworking, quarantine and closing the workplace

From 16 March, all educational and childcare establishments in Slovenia are closed (with the exception of some special needs institutions). The employees who do not have an option for child care for their children under the fifth grade of primary school may stay at home and the employer has to compensate them 50% of salary. This situation is considered as *force majeure*.

Most non-essential commerces are also closed.

Many employers have instructed their employees to work from home. Under Slovenian law, a special contract has to be entered into for working from home and the labour inspector has to be informed in advance. Normally breaching these rules can mean fines for employers but the Slovenian Ministry of Labour, Family, Social Affairs and Equal Opportunities has said that in emergencies such as the coronavirus outbreak there will be more flexibility and understanding. The Ministry further explained that in exceptional circumstances employers should as far as possible follow the rules that apply for regular work from home. Therefore it is advisable to provide employees with clear instructions about work from home, to assure a safe working environment to the extent possible and to notify the labour inspector about work from home.

You cannot demand an employee to go into quarantine, thereby preventing him or her from working. Quarantine can only be ordered by the Minister of Health. You may, however, instruct employees not to work but in this case they are entitled to 100% of salary.

Taking into account the severity of the situation, you may decide to close your business. If an employee is unable to work because of force majeure, he or she is entitled to half the pay that that would otherwise have been payable, but not less than 70% of the minimum wage.

Employers may also instruct employees to stay at home and wait for work at home, if they are facing the lack of work due to coronavirus. In this case the employee is entitled to 80% salary compensation.

#### 4 Pay

The Slovenian Parliament adopted an emergency law intended to protect jobs and partially reimburse employers sending employees to wait for work from home and for employees who will not be able to work due to quarantine. Under the emergency law, when an employer is not able to ensure work and sends the workers home to wait for work, employees are entitled to receive 80% of their salary. According to the emergency law, if the employer cannot provide work to at least 30% of its employees, the employer bears 60% of compensation costs, while the government covers the remaining 40%.

If a worker cannot work due to quarantine, he or she will also be entitled to 80% of salary. In this case, the emergency law foresees that the government will cover the entire cost.

More information on the provisions of the emergency law is available [here](#).

#### 5 Travel

Air traffic to and from Ljubljana airport is currently suspended as is all public transport in Slovenia.

Transport by private vehicles is possible. Most employers have cancelled all business trips, however, if an employee is still sent on a business trip, he or she can refuse, indicating that the working conditions do not comply with appropriate health and safety conditions and pose a threat to health.

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

If an employee shows signs of infection in the workplace, he or she must consult a medical service by telephone for instructions on how to proceed. If he or she proves to be infected with coronavirus, he or she must stay home on sick leave. If this is not the case, but you and the employee feel more comfortable if he or she can work from home, you must inform the Labour Inspectorate.



## 7 Advice from government or authorities

The authorities are daily adopting new measures to limit the spread of virus into public, implementing an order to prohibit sale of goods and services to consumers with limited exemptions and temporarily prohibiting public assemblies and other events in public. They still emphasise the importance of hand hygiene and cough culture but recommend the use of protective face masks only to sick persons who have to leave the house. Above all, they are encouraging all individuals to stay at home and follow all government measures. Information is available on the [Slovenian National Institute for Public Health website](#).

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## 8 Other points

The Slovenian Government has introduced a package of economic support measures for businesses and individuals affected by the coronavirus crisis. Details are available [here](#).

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# South Korea

## 9 Safety and hygiene

The Ministry of Employment and Labor ('MOEL') has issued guidance for employers on responding to the new coronavirus outbreak. You can find the guidance in English [here](#). It includes the following.

Before you have confirmed or suspected cases, encourage employees to keep good personal hygiene practices through providing enough hygiene-related products, and keep the workplace clean through proper disinfection measures, etc. Minimise the risk of infections in the workplace through recommending those who have returned from China within the last 14 days to take leave or work from home, etc.

In the event of a confirmed or suspected case you should immediately have the confirmed or suspected employee wear a mask and segregate that person in an isolated place. Others who have been in close contact should also be segregated. You should report the confirmed or suspected case to a public health clinic, or the Korean Centers for Disease Control and Prevention (dial 1339) immediately. Inform all other employees in the workplace (including on-site contractors and dispatched workers). The government will send disease-control staff to disinfect the potentially exposed areas of the workplace, and may shut down those areas until the following day.

## 10 Testing

If you collect information from employees or even visitors about their travel histories or health, it is advisable to obtain their consent under the Personal Information Protection Act ('PIPA'). This information is 'personal information' under PIPA, and collecting personal information requires voluntary consent from the employee, subject to exceptions. Rather than relying on one of PIPA's somewhat vaguely defined exceptions, it is safest to obtain informed consent, in the required form, where possible.

You cannot force an employee to provide personal health information or travel information, or submit to medical testing. Suspected cases that meet the criteria in the government's guidance should be reported to the public health authorities, who can conduct medical tests and issue any necessary orders for public health and safety.

## 11 School closure, homeworking, quarantine and closing the workplace

Many public facilities such as schools and daycare centres have been temporarily closed and many companies are implementing flexible working arrangements such as telecommuting or flexible working hours to reduce the number of employees in the workplace at a given time. Employees who work from home are generally subject to the same

working-hours limits and overtime-pay rules as in the office, but with less supervision and control.

If you decide to close the workplace, in general you must pay at least a 'shut-down allowance' equal to 70% of each employee's average wage (or 100% of the employee's ordinary wage, if lower). The shut-down allowance is not legally required if the shut-down is ordered by the government in response to a confirmed or suspected case of new coronavirus, as described in more detail below.

## 12 Pay

If the government orders a workplace to be shut down due to a confirmed or suspected case of new coronavirus, you are not legally required to pay any wages to employees who work at the shut-down location. However, the government recommends paying employees to the extent possible. If you close down a work location or otherwise put any employees on leave at your own initiative without

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any confirmed or suspected case (e.g. as a precaution or because of loss of business) you must pay a 'shutdown allowance', see 3, above.

If an employee is unable to work due to being hospitalised/quarantined, you are not legally required to pay wages for the period in which the employee cannot work. However, employers are recommended to pay to the extent possible, and can apply for a government subsidy of up to KRW130,000 (about USD 100) per day to support offering paid leave to these employees. An employer who applies for these subsidies is legally required to grant paid leave at least equal to the subsidy. In other cases, an employee can choose to use annual leave or sick leave if any is available for use or allowed under company policy.

### 13 Travel

The government advises employers to actively educate employees who need to travel about good safety practices while abroad, including observing personal hygiene rules and exercising precautions when visiting dense areas abroad. In addition, employers should cease or limit business trips to countries where there have been many reported or suspected cases of new coronavirus. In particular, employees who have visited China (including Hong Kong and Macao) should be placed on leave or asked to work from home for 14 days after their return.

### 14 Discrimination

An employer generally cannot discriminate against an employee on the basis of the employee's nationality or religion simply because the nationality or religion has been associated with the new coronavirus, for example in the media. If an employer offers flexible working arrangements only for full-time permanent employees, and not others, this may also constitute illegal discrimination unless there is a reasonable objective justification.

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

When a suspected case of new coronavirus infection is discovered in the workplace you must immediately report it to the public health centre or call the Korean Centers for Disease Control and Prevention ('KCDC', call 1339). Workers who have been in contact with a suspected case should wait in a designated isolated area wearing a mask, and wait for public health medical staff to arrive. You must cooperate with the KCDC (e.g., during the epidemic investigation), and comply with instructions for disinfecting any areas.

The government's guidelines define a 'suspected' case of coronavirus as a person with fever (over 37.5°C) or respiratory symptoms (coughing, sore throat, etc.) within 14 days of visiting China (including Hong Kong and Macao), a person with fever or respiratory

symptoms within 14 days of contact with a confirmed patient with symptoms, or a person suspected of pneumonia in a doctor's opinion.

### 16 Advice from government or authorities

The English and Chinese versions of the latest guidelines (published February 24, 2020) are now available online [here](#).

For ease of reference, you can find the English guidelines [here](#).

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## 1 Safety and hygiene

You must guarantee employees' health and safety. This may mean you are affected by public health measures implemented by the Spanish Health Authorities depending on the coronavirus alert level (hygiene/behaviour/cleaning measures, etc.). Take any preventive individual or collective measures indicated by the risk prevention services. These can include:

- Organising work to reduce the number of exposed employees and establishing rules to limit face-to-face contact.
- Where appropriate adopting specific measures for vulnerable employees.
- Providing information on hygiene measures, such as frequent hand washing, not sharing objects, ventilation, and cleaning of surfaces and objects.
- Making hygiene equipment available to employees and adopting cleaning protocols.

Further guidance can be found [here](#).

If one or more employees becomes infected, or appears to be or are suspected to have become infected, you must immediately call the Health Authorities. Follow their instructions and instruct the potentially infected or infected employee to stay away from the

workplace and remain at home (the employee's consent is not needed). The employees will be placed on sick leave due to common illness (unless it is considered an occupational accident, for example because the infection occurred during a business trip to a high-risk area).

Meeting your obligations in a situation as serious as the coronavirus outbreak may involve implementing a prevention plan, conducting a risk assessment; providing workers with equipment and means for personal protection; adequately informing workers and their legal representatives; training workers; drafting emergency plans; implementing measures in cases of serious and imminent risk; regularly monitoring workers' health; and protecting vulnerable personnel, specifically in connection with maternity and minors.

## 2 Testing

You can ask an employee whether they are infected and whether they have recently travelled to a high-risk area. If an employee knows he or she is infected, they must communicate this information to the employer. Employees are only obliged to submit to testing if the organisation's Prevention Service has determined that employees must be tested.

## 3 School closure, homeworking, quarantine and closing the workplace

You cannot force employees to work remotely when there is no imminent and serious risk of coronavirus infection or there is no suspicion employees could become infected or infected employees.

The Spanish Government Guide on employment actions in the context of coronavirus. states remote working could be adopted by collective or individual agreement on an exceptional basis, for essential tasks which cannot be carried out in the usual physical workplace once the necessary health and preventive measures have been taken.

If a remote working decision is implemented as a temporary preventive or organisational measure, the Government Guide expressly establishes that it must be on a temporary and extraordinary basis and cease when the extraordinary circumstances disappear. It must be brought into line with labour legislation and the applicable collective bargaining agreement and must not lead to reduced health and safety rights or loss of professional rights. If the employees need

additional technology, this must not be at their expense.

If multiple employees in your organisation appear to be infected or coronavirus infection becomes widespread, a situation of 'serious and imminent risk' will be declared. Under these circumstances, in addition to notifying the health authorities and following their instructions, you must inform all workers of the infection risk and measures adopted, take measures to enable workers stop working and, if necessary, to immediately leave the premises. You must not require workers to resume work at the premises for as long as the hazard persists (subject to justified exceptions). This will have no impact on workers' salary or employment, unless they have acted in bad faith or committed serious negligence.

#### 4 Pay

Infected employees will be deemed to have a temporary disability (sick leave). It will not be possible for these employees to stay at, or work from, home and, therefore, they should not receive remuneration from you. Where agreed upon either collectively or individually, however, you may pay them the employer's supplement to Social Security sick pay.

Quarantined employees will be deemed to have a temporary disability derived from a common illness, as above. You are not responsible for the costs incurred by the employees' confinement in quarantine establishments, except, if at all, when infection occurred while the employee was performing a professional activity on your orders.

#### 5 Travel

If you order a worker to travel to a region or country where there is significant risk of contagion, coronavirus infection may qualify as an occupational accident. If, on the other hand, an employee refuses to travel because of the serious danger to which he or she would be exposed, it is unlikely that this action would be deemed a disciplinary breach that may lead to a valid disciplinary dismissal.

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

If one or more employees in a work establishment appear or are suspected to have become infected, you must immediately call the telephone number provided for this purpose by the Public Health Service in each Autonomous Community. You must follow the instructions provided by the Health authorities. The fact that a potential infection is notified to the Health Authorities by a worker, their colleagues or their relatives, does not exempt you

from their obligation to inform the Health Authorities directly.

#### 7 Advice from government or authorities

Organisations may be affected by the public health measures established by the Spanish Health Authorities depending on the level of coronavirus alert. You should implement any measure established by the Health Authorities.

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# Sweden

## 1 Safety and hygiene

To minimise the risk of infection spreading in Sweden, all employers should make a risk assessment according to the provisions issued by the Swedish Work Environment Authority relating to systematic work environment management and infection spreading. The employer should plan how a potential outbreak in the workplace would be handled, identify the particular work tasks that needs to be done continuously and make sure that all the employees that carry out these tasks work under as safe conditions as possible.

Once someone has been confirmed sick, the employee cannot come back for work until he or she may do so according to his or her doctor. While the incubation period of the coronavirus is two to 14 days before symptoms of disease occurs, the employer needs to keep in mind that more employees can be affected continuously due to the high risk of spreading and therefore encourage the employees to keep awareness if they receive symptoms. A lot of people will not be tested, and if they feel sick they should stay at home until they become free of symptoms and for two days after that.

We recommend you provide employees with guidelines on how the risk of spreading can be reduced in the workplace but also when to work from home, etc. The organisational and social work environment also needs to be

addressed, meaning that employees' anxiety about the coronavirus should be assessed and measures taken.

## 2 Testing

You can ask an employee if she/he has travelled to a high-risk area and whether she/he is infected. The employee has a responsibility to tell you whether he/she is infected or not. If the employee refuses to say if he or she is infected, you cannot force an employee to tell. Neither can an employer force someone to be tested, although a doctor may eventually do so (if the person refuses) through a decision by court. If the employee refuses to tell or be tested, you can instead order him or her to stay at home and not attend the premises. When someone is home due to infection, this should not be communicated to her/his colleagues, unless necessary. The employee must be informed about any such communication beforehand.

## 3 School closure, homeworking, quarantine and closing the workplace

The Public Health Agency of Sweden has recommended high schools and universities close and provide education online.

Elementary schools are not closed. If there is a suspicion that a child is spreading the infection or if a child is infected, the employee can receive

remuneration from the social security system ('VAB') for staying home. The employee does not have the right to receive salary or social security system payments if he or she stays home with a child because of being worried that the child could get infected in school.

You have the right to instruct employees to work from home if needed, regardless of whether the employee has any symptoms or not. Work from home is recommended in the Stockholm area, if possible.

People who return from areas where there have been reported cases of the new coronavirus should look out for symptoms, but they do not have to be quarantined. If the employer has decided that they should stay at home, the employee should comply with such policy.

As stated above, the employer is responsible for the organisation and for ensuring the work environment is safe and that no one becomes sick because of their work. If this cannot be guaranteed due to an outbreak, the organisation may have to close down a site or an office temporarily.

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## 4 Pay

If an employee is fit and available for work, but the organisation has decided that the employee should stay at home and the employee cannot work from home, he or she is entitled to salary. If the employee can work from home, salary must be paid.

If the employee chooses to work from home due to anxiety about becoming infected, the employer is not obliged to pay salary as this can be seen as refusal to follow the employer's order.

If an employee is infected and therefore sick, the employee is not fit or available for work. If that occurs, normal sick leave and pay rights in Sweden apply. The first day of sickness, which is normally, will now be paid by the social security system. There is also a proposal that the state should pay days two to 14 of sick leave, which is normally paid by the employer, for the coming two months.

If an employee is held in quarantine, for instance due to the risk of infection spreading, the he or she may be fit for work but not available. In this case the employer is not obliged to pay salary if nothing else is decided. Employees in this situation have a right to sickness benefits under the Social Insurance Code.

## 5 Travel

The Ministry for Foreign Affairs has advised against all travel abroad. From 19 March for 30 days travel to Sweden is not permitted, with certain exceptions.

## 6 Discrimination

The employers responsibility for a safe work environment creates a right for an employer to demand that the employees report if they have visited an area where the virus is spreading or been in contact with persons that are infected. Employers must not ask any questions which may lead to future discrimination claims.

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

There are no certain reporting responsibilities to any authorities. The employer should however make sure to collaborate with authorities in order to avoid the infection spreading. Make sure to cover how you deal with data privacy, as this involves sensitive health data.

## 8 Advice from government or authorities

A general preventive measure against respiratory infection is to avoid touching your face and eyes and to avoid close contact with sick people. Wash hands often with soap and warm water. Cough and sneeze into the bend of your elbow

or into a tissue to prevent infection from spreading around you, or from contaminating your hands. If you have an office in Stockholm, consider whether employees can work from home.

## 9 Other points

Employers should take employees' concern seriously. The coronavirus is classified as a disease that is dangerous to public health and to society. Therefore, it is appropriate for employers to take the above stated actions.

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# Switzerland

## 10 Safety and hygiene

You must provide and maintain a safe and healthy work environment. Therefore, you must stay informed on the ongoing spread of the virus and take the appropriate health and safety measures. These measures include monitoring and complying with the guidelines and rules published by the authorities, namely the Federal Office of Public Health ('FOPH').

At present, the following guidelines of the FOPH apply:

- Keep your distance – for example: Protect elderly people by keeping adequate distance from them; keep your distance when queuing or waiting in line; keep your distance at meetings.
- Wash your hands thoroughly.
- Avoid shaking hands.
- Cough and sneeze into a tissue or the crook of your arm.
- If you have a high temperature and a cough, stay at home.
- Always call ahead before going to the doctor's or the emergency department.

The FOPH has recommended that companies prepare a pandemic plan with the aim of both ensuring that essential business processes can be upheld and minimising the risk of infection in the workplace. For this purpose, the FOPH

has published a manual for operation preparation for small and medium-sized companies and advises to activate their Business Continuity Management (BCM) system.

## 11 Testing

Employees must inform you if they are infected based on their duty of loyalty. This includes providing information about close relatives or other contacts who are ill. An employee would be in breach of his or her contract and risk severe consequences if he or she does not inform you of the infection. You cannot force an employee to get tested for coronavirus.

## 12 School closure, homeworking, quarantine and closing the workplace

Employees are allowed to stay at home to look after their children if childcare facilities or schools close due to the coronavirus or in the event that their children are infected. As a general rule, this absence is limited to three days, which is deemed sufficient to arrange for alternative care.

Under the current circumstances, you may request that employees work from home for a limited period of time, provided that they can reasonably be expected to do so in view of their personal circumstances at home (availability of a workplace, access to

data, computer and mobile, etc.). Homeworking could be specifically requested if an employee is quarantined by the authorities but is still fit to work.

If necessary, to protect the health of your workforce, you can close down the workplace.

## 13 Pay

If an employee is prevented from working for a personal reason for no fault of his or her own, you must continue to pay his or her salary for a limited period of time based on Article 324a of the Swiss Code of Obligations. Thus, if an employee is infected with the coronavirus and therefore unfit for work, he or she is entitled to receive his or her salary according to the rules set out above.

Likewise, if an employee cannot come to work due to the infection of his or her child, you are also obliged to pay his or her salary during the absence.



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However, if the employee's child is not infected but the childcare facilities and/or the schools are closed, it is unclear whether you must continue to pay salary.

If you decide to close down the workplace, you will have to continue salary payment.

### 14 Travel

You should offer your employees the opportunity not to use public transport at peak times if at all possible (e.g., temporary adjustment of the working time). Furthermore, business trips should be limited to the minimum necessary. Employees might refuse business trips that are unreasonably unsafe.

No restrictions can be imposed on employees for private travels.

### 15 Discrimination

Based on the employer's duty to safeguard the employee's personality rights, employees must be protected against any form of discrimination. Thus, any measure should apply equally to all employees regardless of their nationality or ethnicity.

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

As of now, you are not required to report any infection to the authorities or inform or visit your doctor.

### 17 Advice from government or authorities

The FOPH and the State Secretariat for Economic Affairs ('SECO') regularly publish information about the current situation in Switzerland and a number of guidelines and rules are available on their respective websites (some of the published information is available in English). You should therefore regularly check the information provided on the following websites:

- <https://www.bag.admin.ch/bag/en/home/krankheiten/ausbrueche-epidemien-pandemien/aktuelle-ausbrueche-epidemien/novel-cov.html>
- <https://www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/gesundheitsschutz-am-arbeitsplatz/Pandemie.html>

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# Turkey

## 1 Safety and hygiene

You must inform all your employees about the health and safety rules they must follow to avoid coronavirus, such as washing hands frequently with soap for at least 30 seconds, avoiding being in crowds, wearing masks if they become sick, avoiding touching their face without washing hands, using hand sanitisers at the office and not sharing towels or glasses with those who have fallen sick.

Once a person becomes sick with a high fever, sore throat and cough, you must ask them to go to hospital immediately and you should closely follow up on other employees in their workplace too and warn them to be careful. If an employee is diagnosed with coronavirus, others who have been in contact with them, including colleagues, must be quarantined to avoid spreading the disease.

It is important to keep employees informed and handle any cases of coronavirus calmly and in a way that does not lead to panic and disorder at the office. You should set up systems to enable employees to work remotely if the virus spreads.

## 2 Testing

It is justifiable for employers to ask employees whether they are infected and/or whether they have recently travelled to a high-risk area, and you

should do so as a way of protecting your employees.

However, you cannot guarantee that people will always tell the truth and they may also refuse to tell you.

Note that at the moment there is no way for employers to force a person to be tested for the virus.

## 3 School closure, homeworking, quarantine and closing the workplace

If coronavirus spreads across the country, closing the schools, workplaces and cancelling events may help to contain it. Employers can help with this by setting up a remote working policy.

If an employee is put in quarantine, this is a *force majeure* event and entitles the employer to terminate the employee's employment. In a similar way, if the whole of your workplace is put in quarantine, this is also a *force majeure* event and entitles your employees to terminate their employment. Therefore, if a workplace has to close, you should think about whether remote working is possible and ensure people are set up with computers and internet connections to enable them to work effectively.

## 4 Pay

Sick leave and pay is regulated under labour law and there are no special provisions for the coronavirus. If employees are not on a fixed monthly salary, your obligation to pay salary will only last for the first two days of the illness. After the second day, the Social Security Institution will take over and make a temporary incapacity payment to the employee based on his or her salary until the employee comes back to work, provided the employee is eligible.

During a workplace quarantine, employees are entitled to half pay for up to one week within the period when the *force majeure* event is taking place. After that, they have no entitlement to be paid.

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## 5 Travel

You cannot prevent employees from visiting risky areas but can advise them to avoid certain places. If you were to ask an employee to go to a risky area for work and they refuse, we think you would not be entitled to terminate his or her employment, as this would be considered unjust.

## 6 Discrimination

If an employee who has coronavirus is not allowed to work or enter the workplace, this is unlikely to be considered discrimination, since you are also obliged to protect the health and safety of other employees.

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

Under data protection law, health data is considered sensitive personal data and cannot be processed without the explicit consent of the data subject. However there are exceptions if processing is necessary for the protection of public health. Therefore, we believe you should immediately tell the authorities if there are coronavirus patients at your workplace.

## 8 Advice from government or authorities

The government advises people to check their health regularly and immediately go

to hospital if they have symptoms. The government has warned people not to panic, but to be prepared for the spread of the virus.

The government has also issued advice about handwashing and sanitation and to avoid hugging, kissing and hand shaking.

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# Ukraine

## 1 Safety and hygiene

Even before you have any cases of coronavirus, you should offer some instructions to employees about washing and sanitising hands, coughing into the elbow, etc. You should also provide rules of hygiene, which you can adopt as an internal policy. Ensure that hand sanitisers are available. Tell your employees that they should stay at home and call the doctor if they feel sick. You may change the organisation's working hours and terminate access for outsiders to your offices.

If someone falls sick, ideally, you should urge that person to take a coronavirus test, especially if you have a legitimate reason to think that they may have the virus (e.g. a recent trip to a high-risk area). Let all employees know that they may stay at home on sick leave, if they feel ill. You may instruct your employees to work from home if the nature of the business and the employee positions allow it. Overall, keep people up to date on the condition of those who are sick and keep your instructions and sanitary rules in place for all employees.

## 2 Testing

You have a duty to ensure healthy conditions for all your employees and so it is reasonable for you to ask if they may have contracted the coronavirus. Employees are entitled to refuse to tell you if they are infected. However, you

may discipline employees who fail to follow the hygiene rules you have set out (provided you set them out in advance).

You do not have the right to force an employee to be tested against their will. The employer is only entitled to carry out medical examinations in circumstances strictly prescribed by law. However, if there is legitimate suspicion that the employee could be infected, you may suspend that person on full pay. During the suspension, the employee should be advised to stay at home and avoid coming to the workplace.

## 3 School closure, homeworking, quarantine and closing the workplace

From 12 March 2020 to 3 April 2020 all schools, universities and other educational institutions will be closed for three weeks' quarantine. Depending on the spread of coronavirus this term may be extended.

The Parliament has adopted a special law with measures to combat the spreading of coronavirus. Among them is recommendation that employers request their employees to work from home. The employer remains liable for work safety even where the work is performed from the employee's home or other places.

From 17 March 2020, it is prohibited to hold mass events with more than ten people. Restaurants, cafes, shopping

malls and fitness centres are closed, but businesses are allowed to provide deliveries if staff use protective equipment (masks and gloves).

## 4 Pay

Employees who are sick and have a doctor's certificate to prove it are entitled to sick leave and sick pay. The amount of sick pay will depend on their record of employment, at a rate varying from 50% to 100% of pay. The first five days of sick leave are paid by the employer. Starting on the sixth day, the Social Security Fund will pay the employer, who will pay the employee.

The employees who have been in contact with coronavirus infected people and who have been instructed by doctors to stay in self-isolation under medical supervision are entitled to sick leave with 50% of their average salary paid by the Social Security Fund.

## Contact our specialist in Ukraine



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## 5 Travel

From 14 March 2020, the Ministry of Foreign Affairs strongly recommends Ukrainian citizens to refrain from any non-essential travel outside Ukraine.

From 16 March 2020, foreign nationals are banned from entering Ukraine. Only those who have Ukrainian residence permits (temporary or permanent) will be allowed to enter.

Starting from 17 March 2020, the government has imposed a ban on rail, air and intercity buses until further notice. In cities it is prohibited to carry more than ten passengers simultaneously by public transport (buses, trams). The underground has been suspended in all cities where it operates (i.e. Kyiv, Kharkiv and Dnipro).

## 6 Discrimination

You must take care to avoid any discrimination based on nationality in relation to those who may be suspected of carrying the coronavirus. For example, if you were to introduce a blanket policy of limiting contact with Chinese employees, that would likely be discriminatory.

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

You are under no obligation to report to the authorities. If an employee falls sick and goes to the doctor, the doctor should inform the authorities.

## 8 Advice from government or authorities

The government has put in place a [website dedicated to the coronavirus](#). It contains much useful information about the spread of the coronavirus.

## 9 Other points

The 'coronavirus law' allows employees to take an unlimited number of unpaid leave days. Before this, the ceiling for unpaid leave was 15 days per year.

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## 10 Safety and hygiene

Adopt precautionary measures to protect the general wellbeing, health and safety of all employees such as ensuring hand sanitisers and tissues are well stocked and available in all workplace locations. You should also ensure policies are effectively and transparently communicated to all employees on a periodic basis covering:

- limiting or staving off opportunities for disease transmission;
- organisation-wide contingency planning and associated arrangements (including 'work from home' strategies, limiting travel to high-risk areas save in exceptional and pre-approved circumstances, utilising teleconferencing facilities to conduct business, where appropriate, and regular updates on Government advice/circulars given the very fluid nature of global-wide announcements and their impact on employees and the business generally); and
- general education and awareness at the workplace.

Employees who have fallen sick should be requested to stay at home whilst concurrently considering accommodating potentially at-risk employees with the use of atypical working structures including remote working stations/arrangements. If

an employee exhibits or suspects he or she has symptoms of coronavirus infection, he or she should seek medical attention and only return to work upon medical clearance.

## 11 Testing

To ensure a safe and healthy work environment, you can ask whether employees have recently been in higher-risk regions or an affected area and/or whether they have a coronavirus diagnosis. Employees have a general duty to self-report. However, you cannot compel employees to undergo testing for coronavirus either routinely or if they have symptoms. If there is any suspicion (based on objective knowledge and assessment) that the employee may be exposed to the coronavirus infection and therefore a risk to the health and safety of others, you can require him or her to stay at home and see a doctor chosen by you to determine their fitness (or otherwise) for work.

For Dubai International Finance Centre (DIFC) and Abu Dhabi Global Market (ADGM) employees in particular, you should avoid any targeted screening questions which may relate to disability, nationality or ethnicity and advise employees that the objective of screening is strictly related to workplace health and safety (particularly as these two free zones have in place stringent anti-discrimination regimes).

## 12 School closure, homeworking, quarantine and closing the workplace

Effective 8 March 2020, the UAE Government ordered the complete closure of all nurseries and schools across the UAE for a four-week period. Employees might, as a result, request flexible working arrangements. We recommend you initiate open communication channels in t to facilitate, where feasible, arrangements for these employees to continue working remotely or under temporary flexible working patterns (e.g. allowing them to leave work earlier).

If you do not have a homeworking/flexible work policy, consider putting one in place, if feasible, to deal with the threat of coronavirus; or implement contingency plans to allow for remote working. Consider introducing a policy where employees returning from high-risk areas/regions should work remotely for 14 days or take an additional 14 days' leave following their return from annual leave (or any

other period advised by the UAE Government).

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

Where the workplace has to be closed, alternative work options should be considered for employees. Where these are not viable, you will need to decide whether to pay employees for any shutdown period, requiring employees to avail of unutilized annual leave, or agree a period of unpaid leave. In either case, we would recommend that you work in consultation with employees.

### 13 Pay

Normal sick leave entitlements in the UAE are broadly 90 calendar days of which the first 15 days are at full pay, the next 30 days at half pay and the remaining period without pay. For DIFC and ADGM employees, sick leave provisions are slightly different : 60 working days of leave (comprising full pay for the first ten days, half pay for the next 20 days and remaining 30 days without pay).

### 14 Travel

The UAE Government has announced several travelling bans or warnings, in particular relating to travel to high-risk

regions/areas. For example, in the interests of public safety and health, the Ministry of Foreign Affairs has issued a ban calling on all UAE citizens not to travel to Iran and Thailand until further notice. A travel warning (as opposed to ban) remains active with respect to China. This is a developing area and additional bans and/or warnings might be implemented at short notice.

### 15 Discrimination

Employers should act in a non-discriminatory manner when implementing any actions or policies and maintain a discrimination-free workplace. In the DIFC and ADGM in particular, employers should be careful not to effect any differential treatment, directly or indirectly, on the basis of a protected ground, such as disability, nationality or ethnicity. Employers may be held vicariously liable if employees harass colleagues on protected grounds (e.g. Chinese employees or those from high-risk or affected regions), even if the employer does not know and would not approve of such treatment.

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

There are no strict requirements to report to the authorities at this time. However, there is a general duty for employees to self-report.

### 17 Advice from government or authorities

See travel advice at point 5 above.

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## 1 Safety and hygiene

You have a duty to take steps that are reasonably necessary to ensure the health, safety and welfare of all your employees, including those who are particularly at risk for any reason. You should take simple precautions such as limiting work trips to badly-affected areas, educating staff on hand and respiratory hygiene, regular cleaning, conducting risk assessments and following government guidance in relation to self-isolation.

## 2 Testing

You can ask employees for information about their health but this is a special category of data and so should be treated confidentially. You can ask employees to notify you if they have recently travelled to an affected area, and although employees can be required to inform you of a coronavirus diagnosis, you cannot require them to undergo testing for coronavirus either routinely or if they have symptoms.

## 3 School closure, homeworking, quarantine and closing the workplace

Employees have a statutory right to a 'reasonable' amount of unpaid time off where it is necessary to deal with unexpected events involving their dependants, including where a school

unexpectedly closes. Some employers offer paid leave in these circumstances.

Current government guidance on quarantine advises:

- Employees who have returned from notified areas should self-isolate, even if asymptomatic.
- Employees who have returned from other badly-affected areas should self-isolate if they develop symptoms (although employers could take a more cautious approach and require the employee to self-isolate even in the absence of symptoms).
- Employees diagnosed with coronavirus or who have had close contact with someone in the workplace who has been diagnosed with coronavirus should self-isolate.

You can agree to requests for working from home in line with their usual flexible working and/or homeworking policies. You should consider staffing requirements and reserve the right to require workplace attendance on short notice. Special consideration should be given to requests from vulnerable individuals and employees with dependants.

Closing the workplace is not recommended by current government guidance. If you choose to do so, you

should pay employees their normal pay. The exception to this is lay-off (providing no work and no pay for a period whilst retaining them as employees). This cannot be done without a clear contractual right or employee consent.

## 4 Pay

Unwell employees are entitled to your usual contractual sick leave and pay provisions, which normally includes any entitlement to statutory sick pay (SSP). Employees without any contractual entitlement may receive SSP if they meet the conditions. If employees are not entitled to sick pay, you may consider paying it on a discretionary basis if staff would otherwise try to return to work while still sick.

Employees who are not sick but who you ask to remain away from work should be paid their normal salary. There is generally no right to SSP if the employee is fit for work. However, the government has stated employees who are not sick but are following government/medical advice to quarantine should be paid sick pay, and you may choose to adopt this position. The best way to ensure employees follow government guidance and do not come in work is to provide full pay in all cases.



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## 5 Travel

You would be in breach of your health and safety duties if you insisted on employees travelling against government guidance. You should carry out risk assessments in relation to employees travelling elsewhere. If an employee refuses to travel, in breach of their contract, disciplinary action could be taken but it would be wise to investigate the reason first. You could refuse (or revoke) approval for personal travel to affected regions if you consider that it is irresponsible.

## 6 Discrimination

Any request not to attend work should be related to potential exposure to the virus and should apply to all staff regardless of nationality or ethnicity, otherwise this could give rise to direct race discrimination claims. Refusing to approve personal travel to badly affected areas may indirectly discriminate against certain employees (e.g. staff of Chinese ethnic origin) because such a ban would disproportionately affect them. It is a defence that the action is a proportionate means of achieving a legitimate aim. You could be vicariously liable if employees racially harass colleagues. Employers will only avoid liability if they can show that they took 'all reasonable steps' to prevent employees behaving in such a manner.

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

There are currently no specific requirements for employers to report to the authorities.

## 8 Advice from government or authorities

[Covid-19 – specified countries and areas with implications for returning travellers or visitors arriving in the UK](#)

[Covid-19 – guidance for employers and businesses](#)

[Acas Coronavirus: advice for employers and employees](#)

[Advice for home isolation](#)

## 9 Other points

Current guidance is that coronavirus can cause more severe symptoms for older people, pregnant women and those with long-term pre-existing medical conditions such as diabetes, heart disease and respiratory or immune problems. You should carry out risk assessments and consult with individuals before taking any action. Employers have additional specific duties towards pregnant employees.

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## 1 Safety and hygiene

Provide education on the proper method for washing hands.

Post reminders in key areas on the proper way to prevent the spread of germs, including:

- Wash hands frequently with soap and water for at least 20 seconds.
- Using hand sanitiser that contains at least 60-95% alcohol.
- Cover your mouth with tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).
- Discard tissues used when sneezing.
- Avoid contact with sick individuals.
- Practice proper hygiene.

Ensure tissues, hand sanitiser and disposable wipes are readily available for employee use. Consider providing no-touch waste receptacles.

Encourage employees to telework or take advantage of other remote working options, if feasible.

Ensure employees are aware of the importance of not reporting to work if they are ill and/or experiencing the following symptoms: fever, cough, shortness of

breath, sore throat, runny or stuffy nose, headache, and fatigue.

Notify employees they will be sent home immediately if they report to work ill or become sick during the workday and will be separated from other employees in accordance with Center for Disease Control health guidelines.

If an employee is confirmed to have coronavirus, employers should inform fellow employees of their possible exposure to it in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

Communicate to employees that the organisation is monitoring the virus outbreak and will take proactive steps as necessary to protect their health. Decisions will be based on the best available information.

## 2 Testing

If you are an ADA-covered employer, you may ask such employees if they are experiencing influenza-like symptoms, such as fever or chills and a cough or sore throat. You must maintain all information about employee illness as a confidential medical record in compliance with the ADA. You can ask employees whether they have recently travelled to a high-risk area.

Employees can refuse to tell you if they are infected. However, organisations can

act in the best interests of their employees and not allow the employee to work temporarily.

Under the ADA, you can require current employees to undergo medical examinations when these examinations are job-related and consistent with a business necessity. Because the risk of transmission of coronavirus, even among international travellers, is still so low, requiring a medical examination for all business travellers returning from international travels is unlikely to be considered a necessity, and would potentially violate the ADA. Requiring a medical release for all individuals returning from travel to highly infected areas, however, is not likely to be seen as a violation of the ADA so long as it is narrowly tailored and doesn't delve into other non-respiratory medical conditions.

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### 3 School closure, homeworking, quarantine and closing the workplace

Notify employees who believe they may face particular challenges reporting to work during a severe pandemic to take steps immediately to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare should schools close and/or speak with supervisors about the potential to work from home temporarily or on an alternative work schedule. The ability to work from home varies considerably depending on the nature of the job and business. Organisations can make the business judgment whether to close the workplace.

### 4 Pay

Coronavirus is likely to meet the definition of 'serious health condition' under the federal Family and Medical Leave Act (FMLA). Thus, employees with the virus are entitled to (unpaid) FMLA leave subject to that law. State and local laws may require paid sick leave: ensure your sick leave policies comply with any that apply. Make employees aware of relevant human resources policies, workplace and leave flexibilities, and what pay and benefits will be available to them.

If an organisation makes the decision to quarantine employees the decision whether to pay these employees depends

on the organisation's policies, any applicable law for the jurisdiction, and concern about the welfare of employees and employee relations.

### 5 Travel

Organisations have the right to curtail business travel. They also can advise employees against personal travel to high-risk areas and the possibility of quarantine if they do so.

### 6 Discrimination

Organisations must ensure that their decisions are based on facts and are uniformly applied. Employees are protected by various anti-discrimination laws, including protection against discrimination based on national origin and race.

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

Organisations should report illnesses to the extent required by applicable law. Individual medical information is protected by various laws. If coronavirus is contracted at work it would be a recordable illness subject to OSHA recordkeeping requirements.

### 8 Advice from government or authorities

Organisations should stay informed about any directives from federal, state, and local governments. They also should monitor guidance from organisations such as the Centers for Disease Control and the World Health Organization.

### 9 Other points

Organisations should provide ongoing guidance and information to employees based on developing facts and take appropriate steps based on those facts. They should avoid overreactions that unnecessarily raise anxiety levels.

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