



SARS-CoV-2/COVID-19

Selected employment law Q&As for 20 countries

23.03.2020

The 'coronavirus crisis' has companies firmly in its grip. Employers are faced with many employment law questions regarding the handling of the coronavirus (SARS-CoV-2/COVID-19) and its legal consequences. Although these questions arise in each country, the legal framework in the individual countries varies greatly.

In order to give international companies a first impression of this, we have, with the help of our partner law firms, answered the most important employment law questions for **Austria, the Czech Republic, Denmark, Finland, France, Greece, Hungary, Ireland, Italy, Norway, Poland, Portugal, Republic of Slovakia, Romania, Russia, Spain, Sweden, Switzerland, Turkey** and the **United Kingdom**. Due to the highly dynamic developments, the measures of the countries are subject to constant change. The answers take into account the status on 16 March 2020.¹ If you have any further questions, we would be happy to put you in contact with our partner law firms in the individual jurisdictions.

The most important questions

1. Prevention measures

- What prevention measures do employers have to take?
- Do employers have to provide employees with protective masks, disinfectants or similar?

2. What has to be done if an infection is suspected or confirmed?

- Do employers have to send employees home with a suspected coronavirus related illness?
- Must employees who have been in contact with the sick employee also be sent home?
- Do employers have to report suspected or confirmed cases to the authorities?

3. Right to be released from work or to work from home

- Do employees have the right to be released from work or to work from home if they fear an increased risk of infection?

4. State support, in particular benefits for short-time work

- Does state support exist if business activities have to be restricted due to the risk of infection, for example benefits for short-time work?
- If so, can employers order short-time work or similar?

5. Employer's right to information about illnesses

- Do employers have a right to be informed about the reason for the employee's illness or cases of illness in the employee's family?

¹ Please note that this overview does not constitute any legal advice on the part of Noerr LLP for the relevant jurisdiction and cannot replace this. Specific questions require qualified legal advice in the individual countries.

6. Examinations

- Can the employer order medical examinations/quick tests or temperature scans?

7. Continued payment of remuneration in the event of operational restrictions

- Are employers obliged to continue to pay remuneration in the event of officially ordered quarantine?
- Are employers obliged to continue to pay remuneration if the business is temporarily closed down due to an official order?
- If so, can employers claim reimbursement from the authorities?

8. Childcare

- Is an employee also obliged to work if schools and childcare facilities have to be closed and their own children have to be looked after?
- Do employers have to continue to pay remuneration if necessary?

9. Use of leave or flexitime accounts

- For example, can employers order the use of leave or working time credits or the accumulation of debit hours if employees cannot be employed due to the risk of infection?

10. Business trips

- Can employees still be sent on business trips to risk areas?
- Can employees refuse to undertake such business trips?

11. Employee's private travel

- Can employers require disclosure of the employee's private travel destinations?
- Can employers prohibit/advise against private travel?

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/ A. Austria

1. Prevention measures

The employer must, taking operational requirements into account, organise working life in such a way that infections are avoided as far as possible. This includes, for example, replacing meetings with video conferences/telephone calls, postponing non-urgent trips to risk areas and implementing recommendations of the health authorities.

As a minimum, the employer must provide washing facilities with soap and hand washing facilities as recommended by the health authorities. If this is not possible, a disinfectant must be provided.

2. What has to be done if an infection is suspected or confirmed?

The employer is not obliged to report suspicious cases (except for owners of restaurants and bars). Suspicious cases, including those involving contact with a sick person, must be sent to a doctor. If the doctor shares the suspicion, the authorities order the employee to be isolated (quarantine).

3. Right to be released from work or to work from home

No, only mutually agreed arrangements are possible.

4. State support, in particular benefits for short-time work

Short-time work must be registered with the Public Employment Service. The social partners (trade union and chamber of commerce) must conclude an agreement on short-time work. This is supported by the Public Employment Service with short-time work assistance.

The working hours can be temporarily reduced by works agreement. It is controversial whether this also reduces the entitlement to remuneration. If no works agreement applies, the employee's consent is required.

In the case of official business closures in accordance with the Austrian Epidemics Act, the federal government compensates the financial disadvantages caused by the impediment to employment.

5. Employer's right to information about illnesses

The employer has no such rights to information. However, employees are obliged to seek medical assistance themselves in order to protect the employer's business interests.

6. Examinations

Such measures are not permitted.

7. Continued payment of remuneration in the event of operational restrictions

In the event of an officially ordered **quarantine**, the federal government will reimburse the employer for the remuneration (unless the employee is ill, in which case the employee is entitled to continued remuneration for a limited period of time as in all other cases of illness).

In the event of an officially ordered **business closure**, the employer is obliged to continue to pay remuneration. Employers can request reimbursement from the authority.

8. Childcare

Apart from cases where the employee is surprised by the need to supervise his or her children, there is an obligation to work.

9. Use of leave or flexitime accounts

Such unilateral action by the employer is not permitted.

10. Business trips

A balancing of interests is required here. If an official travel warning advises against travel under all circumstances, the employee will be able to refuse to undertake the business trip.

11. Employee's private travel

The employer does not have any right to information. Travel recommendations by the employer are permissible, but not always binding for the employee. In case of grossly negligent or intentional incapacity for work through illness or accident, there is no claim to continued payment of remuneration. A trip to an area for which a travel warning exists, without a reason worthy of consideration, can therefore lead to the loss of the right to continued payment of remuneration.

B. Czech Republic

1. Prevention measures

Employers are obliged to take appropriate protective measures for the benefit of employees and third parties. In particular, the following measures are recommended with a view to preventing the spread of coronavirus:

- Ensuring that the workforce is kept informed of the symptoms and the latest recommendations for action to prevent infection
- Minimising the number of employees present in the company and contact between employees
- Instructions for dealing with cases of suspected infection
- Introducing a system to record and prevent the immediate return of travellers from risk areas to the workplace. Since 13 March 2020, these people returning from risk areas have to be quarantined for 14 days and are themselves subject to a notification and examination obligation. Employers must inform employees of these obligations, but are not themselves subject to any notification obligation.

Employers must provide disinfectants. If infection risks cannot be avoided in any other way, personal protective equipment must also be provided. However, due to the lack of availability of protective masks, their provision cannot be demanded at present.

2. What has to be done if an infection is suspected or confirmed?

Employers are not obliged to send affected employees or persons with whom they had contact home.

Employers do not have any notification obligations. Employees should, however, be advised to visit a doctor if necessary and made aware of their notification obligations.

3. Right to be released from work or to work from home

Only with the employer's consent. Conversely, working from home cannot be ordered unilaterally by the employer either, unless this is contractually provided for.

4. State support, in particular benefits for short-time work

Due to a temporary slump in demand, employers can reduce the average remuneration of the employee to up to 60% of the average remuneration. This can be done either on the basis of a collective agreement or, if no trade unions are represented in the company, by internal regulation.

Alternatively, in agreement with the competent employment authority and with the approval of the Czech government, short-time work may be introduced. In this case, 10% of the average remuneration would be borne by the competent employment authority. However, the practical hurdles of the approval procedure are high.

According to the Employment Ministry, these measures do not currently apply to officially ordered business closures (see 9.). In general, state compensation is in practice difficult to obtain. Remedial measures are to be implemented from the third week of March.

5. Employer's right to information about illnesses

Employers may only demand limited information from the employee. This includes planned or completed visits to risk areas or information on contact with people returning from risk areas.

6. Examinations

In order to implement their protection obligations, employers may order medical examinations by the Occupational Health Service if there are doubts about the employee's fitness for work.

There are data protection concerns regarding the performance of temperature scans.

7. Continued payment of remuneration in the event of operational restrictions

In the event of ordered **quarantine**, the employee is entitled to reduced continued remuneration amounting to 60% of his/her average daily income (the latter is subject to statutory limits). During the first 14 days of quarantine, the employer continues to pay the employee's salary. Afterwards, social security takes over.

In the event of an ordered **business closure**, employees are entitled to continued payment of their full remuneration. The currently existing compensation gap for employers is to be closed in the near future.

8. Childcare

For the care of children under 10 years of age (for single parents: under 16 years of age), parents are entitled to unpaid release from work. Parents can receive state compensation for up to 9 calendar days (for single parents: up to 16 calendar days) amounting to 60% of the employee's average income from social security, although the daily rates are subject to statutory restrictions.

An extension of these entitlements to children under the age of 15 and an extension of the period for which compensation benefits are paid are currently being discussed.

9. Use of leave or flexitime accounts

Employers can order the use of leave with a minimum notice period of 14 days. This period may be shortened only with the employee's consent. A reduction of time credits is only possible in agreement with the employee. Debit hours may not be accumulated. The mutually agreed introduction of part-time work or of flexitime accounts with fluctuations in working hours to be balanced out within the following period is permissible.

10. Business trips

Czech citizens are currently prohibited from travelling abroad unless they work within 100 km of the border or are subject to an exemption (e.g. as a pilot or train driver etc.). The employee may refuse to travel if there is a direct health risk.

11. Employee's private travel

Such cases are rare due to the current travel ban. Regardless of symptoms, people returning from travel are subject to quarantine. There is no general disclosure obligation or right of the employer to have a say regarding the employee's travel destinations. The employer can cur-

rently only demand information from the employee as to whether he or she has been in a risk area.

/ C. Denmark

1. Prevention measures

Employers are obliged to carry out risk assessments and take occupational health and safety measures that are tailored to the company.

These measures typically include conduct rules for self-isolation, the reduction of travel and meetings, increased cleaning and stricter hand hygiene requirements, increased provision of disinfectant gel and making it possible for employees to work from home.

2. What has to be done if an infection is suspected or confirmed?

There is no direct obligation to send employees home. However, if employees show symptoms, they, as well as persons with whom the employee has come into contact, must be sent home due to the employer's obligation to protect the other employees. The employer does not have any notification obligation.

3. Right to be released from work or to work from home

This depends on the health authority's recommendation. At present, employees are entitled to work from home based on a recommendation from the health authority. The mere fear of infection does not justify refusal to work.

4. State support, in particular benefits for short-time work

In principle, there is the possibility of short-time work, which can be supported by unemployment benefits. Some collective agreements permit the introduction of short-time work without the consent of employees, such as the collective agreement for Danish industry. If the employer is not covered by such a collective agreement, the introduction of short-time work requires the consent of all employees. See also 7. for information on further benefits.

5. Employer's right to information about illnesses

In principle, the employee is not obliged to provide information. In the case of infection with the coronavirus, however, the employee must notify the employer of this in order to enable it to take protective measures.

6. Examinations

Such examinations and tests are considered appropriate and are therefore permissible.

7. Continued payment of remuneration in the event of operational restrictions

If the employee works from home during **quarantine**, remuneration has to continue to be paid. Depending on the type of employment, employees may also be entitled to sick pay or continued payment of their salary. If the quarantine was only ordered by the employer, salaried employees are generally entitled to continued payment of their remuneration. In contrast, blue-collar workers may be released from work without continued remuneration due to force majeure. After having encouraged release from work where possible, the Danish government has introduced measures to support employers, including reimbursement of remuneration in the event of illness from the first day of absence.

In the event of an officially ordered **closure of a business**, employers are in principle obliged to continue to pay their salaried employees' remuneration. Under certain conditions, a refund by the authorities can be requested.

Since 15 March 2020, there has been a tripartite agreement in place between the government, the Danish Employers' Association and the Danish Trade Union Federation for the avoidance of dismissals and the continued payment of remuneration. The agreement is valid from 9 March to 9 June 2020. According to the agreement, private companies faced with the threat of having to dismiss at least 30% of their workforce or more than 50 employees may receive compensation in return for the exclusion of dismissals for operational reasons and the release of employees from work with continued payment of remuneration. The compensation covers 75% of total salary costs for the employees concerned, up to a maximum of DKK 23,000 per month per full-time employee. For employees paid by the hour, 90% is reimbursed up to a maximum of DKK 26,000 per month per full-time employee.

Due to force majeure, blue-collar workers may, depending on the provisions of a collective agreement, be dismissed without notice on the basis of force majeure.

8. Childcare

Employees are still obliged to perform their work. In agreement with the employer, it is possible to work from home, to have more flexible working hours or to take leave or unpaid release from work.

9. Use of leave or flexitime accounts As an exception, the employer may order the use of remaining leave, which would otherwise expire at the end of 30 April 2020. Instead or in addition, special leave of 5 days per year can be ordered. The usual notice period of one month is not applicable due to the 'special circumstances' of the coronavirus crisis.

10. Business trips

Business trips to risk areas may not be ordered. In such a case, the employee may refuse to travel.

11. Employee's private travel

In principle, the employer does not have any right to information about private travel destinations. However, due to the special situation, the employee can be instructed not to travel to official risk areas. If the employee nevertheless travels to risk areas, the employer may release the employee from work without pay during a quarantine period if the employee is not working from home. Such a trip to risk areas contrary to the employer's instructions may also result in disadvantages with respect to continued remuneration in the event of infection.

/ D. Finland

1. Prevention measures

Employers should assess possible prevention measures for risk and hazardous situations and take appropriate measures, for example by making disinfectants available. Employers are particularly recommended to revise or introduce guidelines on working from home and sick leave and to allow employees to work from home as far as possible. In particular, employers should follow the latest instructions issued by the Finnish authorities on the present situation.

2. What has to be done if an infection is suspected or confirmed?

Employers can send home employees who show signs of illness. Their entitlement to sick pay remains unchanged. Employees who are sent home by their employer as a prevention measure are entitled to their regular pay.

3. Right to be released from work or to work from home

At present, employees are not entitled to stay home or work from home simply because they are worried about infection. Employees only have the right to refuse to work or work from home if the work poses a serious risk to their own life or the health of an employee or another employee. This right continues to apply until the employer has eliminated the risk factors or otherwise ensured that work can be performed safely. The employer pays the remuneration during the period in which the employee is entitled to refuse to work. As far as coronavirus is concerned, if the authorities have not issued a quarantine order for the workplace or the employee does not belong to a high-risk group, they cannot demand to stay at home at the time of the assessment.

4. State support, in particular benefits for short-time work

There are currently no special state benefits. Employees may be entitled to sickness benefit or an infectious disease allowance.

5. Employer's right to information about illnesses

Authorised employees receive information if employees report in sick. However, employers are not entitled to information on the health of members of the employee's family.

6. Examinations

Employers are not permitted to order or conduct medical examinations of employees.

7. Continued payment of remuneration in the event of operational restrictions

During ordered **quarantine**, employees are entitled to their regular remuneration if they work from home. If employees are unable to work, there is generally no entitlement to remuneration. Exceptions to this could be made by a corresponding decision of the government.

Whether widespread contractual clauses on continued remuneration for a maximum of 14 days in the event of restrictions due to force majeure take effect in the event of an ordered **closure of a business** is not currently clear.

8. Childcare

Employees are not obliged to work if their child has to be looked after due to the closure of a day care centre or school. For this reason, however, there is initially no right to remuneration.

9. Use of leave or flexitime accounts

Employers can order leave within the scope of legal requirements after consulting with the relevant employee.

10. Business trips

Business trips should be avoided as far as possible. For the employee's rights of refusal, see 3.

11. Employee's private travel

Employers do not have any right to know where employees spend their free time. Employers can only demand notification if employees have been in a risk area. Travel recommendations for private trips issued by the employer are not binding.

/ E. France

1. Prevention measures

Employers must take all measures necessary to protect employees. This concerns in particular the requirements of the French government specific to the coronavirus. Furthermore, employers are obliged to inform employees regularly about the status of the risks and the government requirements.

Appropriate protective equipment has to be provided, for example, disinfectants.

2. What has to be done if an infection is suspected or confirmed?

Employers must request employees suspected of infection to stay at home. Each case must be reported to the company doctor (*médecin du travail*) and the regional health authority (*Agence régionale de santé*). The regional health authority decides on further action.

3. Right to be released from work or to work from home

Since 17 March 2020, home workstations are to be set up as far as possible. If this is not possible, if the employer belongs to one of the sectors mentioned in the decree issued by the French government on 16 March 2020 and if the employer complies with all hygiene measures prescribed by the government, an employee cannot refuse to work.

4. State support, in particular benefits for short-time work

Working hours may be reduced due to a restriction of business activities due to the coronavirus. This can take the form of either a reduction in weekly working hours or a temporary closure of the business.

Implementation requires (i) prior consultation with employee representatives, (ii) approval by the employment authority, and (iii) notification of each affected employee and, where appropriate, notification of the adjustment of collective working hours to the labour inspector.

In these cases, remuneration must continue to be paid. Employers receive state reimbursement in this respect.

5. Employer's right to information about illnesses

The government's instructions, which must be communicated to the workforce on a regular basis, recommend that workers report symptoms to their employer. There is no obligation to do so.

6. Examinations

Such examinations and tests are not permitted. In cases of suspicion, workers are to be advised to undergo an examination on their own initiative.

7. Continued payment of remuneration in the event of operational restrictions

So far, the French government has provided for measures in the form of short-time work (see 4. above) and certain childcare cases (see 8.).

8. Childcare

Employees with children under the age of 16 can stay at home for childcare. If they can work from home, the employer will continue to pay their remuneration. If this is not possible, they can be put on sick leave for up to 14 days and, under certain conditions, benefit from reduced social security benefits.

9. Use of leave or flexitime accounts

This is only possible with the employee's consent.

10. Business trips

Since 17 March 2020, every business trip must be urgently necessary. The employee can refuse to undertake a business trip to a risk area.

11. Employee's private travel

Employers may ask employees about their private travel destinations in order to be able to take adequate protective measures if necessary. However, employers may only make recommendations regarding private travel. Employees returning from a risk area must remain in quarantine for 14 days. Due to the official restrictions on freedom of movement, since 16 March 2020 travellers have had to prove the reason for their change of location with documents anyway.

/ F. Greece

1. Prevention measures

Employers are obliged to take all necessary prevention measures in accordance with guidelines of the Greek Ministry of Labour and Social Affairs for preventing the spread of coronavirus in the workplace. This includes, for example, the provision of personal protective equipment for employees (e.g. antiseptic gels) and monitoring their proper use.

2. What has to be done if an infection is suspected or confirmed?

Employees with serious signs of infection, e.g. travel to risk areas or contact with persons confirmed to be infected with the coronavirus, must be quarantined and may not return to work at least during the incubation period of the virus.

3. Right to be released from work or to work from home

If employees have a well-founded fear that there is a high risk of infection due to improper employment, employers are generally obliged to allow employees to work from home. Paid release from work, on the other hand, generally requires an agreement between employee and employer.

4. State support, in particular benefits for short-time work

Employers may unilaterally impose a rotation system (fewer working days per week or fewer working weeks per month or fewer working months per year) as a special form of part-time work for a maximum of 9 months or unilaterally suspend the employment relationships of all or some of their employees for a maximum of 3 months per year in the event of a (significant) decline in their economic activity. Both measures are subject to special information and consultation procedures.

5. Employer's right to information about illnesses

Employers may require employees to report symptoms or illnesses that could endanger other employees. Employees may also be required to report contacts with infected persons.

6. Examinations

If an employee is suspected of being infected or at risk of infection, employers may, at the employer's expense, require the employee to undergo a medical examination by the company doctor or to produce a medical certificate. However, a systematic measurement of employees' temperatures is not likely to be proportionate.

7. Continued payment of remuneration in the event of operational restrictions

According to a circular issued by the Ministry of Health, workers who are **quarantined** as a prevention measure in accordance with the guidelines of the Ministry of Health are entitled to their remuneration.

A **business closure** ordered by the authorities is considered a case of force majeure in which the employer is not obliged to pay remuneration.

8. Childcare

Due to the temporary closure of all educational institutions, special paid leave has been introduced. Accordingly, employees with children are entitled to at least 3 days of this special leave, on condition that they take one day of their annual leave for every 3 days of special leave. The Greek state subsidises part (1/3) of the salary of employees during this special leave.

9. Use of leave or flexitime accounts

The use of leave can only be provided for in agreement with the employee. Time off in lieu instead of remuneration of overtime is not possible under Greek law.

10. Business trips

Employers are not expressly prohibited from sending employees on business trips to risk areas. However, they cannot be forced to undertake such business trips.

11. Employee's private travel

Employers can lawfully ask their employees to inform them if they have made private trips to risk areas. However, the exact whereabouts do not have to be stated. As soon as the information is no longer relevant, the employer must delete it. According to the guidelines of the Ministry of Health, people returning from risk areas must stay at home for 14 days after returning home, regardless of any signs of illness.

/ G. Hungary

1. Prevention measures

(What prevention measures do employers have to take? Do employers have to provide employees with protective masks, disinfectants or similar?)

The employer shall notify all employees on the most important information about COVID-19 (e.g. method of spread, symptoms, prevention, etc.) and also on the necessary protection measures and those persons who shall be notified in case the employee may be affected by this illness. The employer shall ensure the conditions of safe and healthy work. Therefore, the employer shall take protection measures and follow the recommendations issued by the Operational Unit responsible for Protection against the COVID-19, as follows:

- Monitor travelling and cross-border movement of relevant persons (in particular employees) and evaluate the risks (i.e. request to fill questionnaire regarding private and business trips);
- Consider and possibly require increased hygiene on the part of the employees and distribute disinfectants; in sensitive areas (e.g. in healthcare) further protective measures might be required, such as providing respiratory masks or protective clothing depending on the circumstances of the work;
- Consider and possibly introduce new protection measures that may prevent virus transmission, e.g. restricting presence in the workplace (working from home), limiting/restricting foreign business trips and participation in work-related events, meetings, etc.
- Place informative bulletins throughout the company premises, sanitary facilities, and intranet or at company meetings to increase awareness of the protection measures.

In accordance to the above, employers shall provide also protective masks or clothing, disinfectants, etc., pursuant to the employer's obligation on ensuring safe and healthy working conditions. Furthermore, it is recommended to introduce other hygiene measures such as more frequent cleaning of the workplace.

2. What has to be done if any infection is suspected or confirmed?

(Do employers have to send an employee home if he or she is suspected of having a corona-related illness? Must employees who have been in contact with the sick employee also be sent home? Does the employer have to report suspected cases or actual cases to the authorities?)

In case an employee is suspected of having a corona-related illness or he/she had contacted a sick employee, the employee shall be ordered by the employer to visit a doctor and / or stay at home (ideally work from home) during the incubation period. It is also recommended for the employers to inform the health authorities on suspected or actual cases.

3. Right to be released from work or to work from home

(Do employees have the right to be released from work or to work from home if they fear an increased infection?)

Generally, employees are not entitled to refuse the work if they are simply afraid of the infection but their incapacity to work is not confirmed by a medical certificate. Employees may only be entitled to work from home when an objective risk (no subjective feelings) of virus transmission or contraction in the workplace exists and they agree with the employer on home office work. Furthermore, employers may unilaterally order home-office work for their employees.

4. State support, in particular benefits for short-time work

(Does state support exist if business activities have to be restricted due to the risk of infection, for example benefits for short-time work? If so, can employers order short-time work or similar?)

The Hungarian Government may provide state aid to those employees agreeing to be employed in reduced working time. The reduced working time shall reach 50% of the working time before the declaration of the state of emergency on 11 March 2020 but shall not exceed 70% thereof. The amount of the state aid corresponds to the working time lost due to the working time reduction. The maximum of the state aid shall be net HUF 75,000 (EUR 214) per employee.

As a criteria for granting the state aid, among others, the employee and the employer shall agree on the employment in part time and enter into an agreement on a so-called individual development period. The employer shall undertake to pay a monthly wage which, together with the state aid, reaches the average wage of the employee calculated for 11 March 2020 (date of the declaration of the state of emergency). Furthermore, the employer shall prove that retaining workforce is the interest of national economy.

5. Employer's right to information about illnesses

(Do employers have a right to be informed about the reason for the employee's illness cases of illness in the employee's family?)

No, the employer is not entitled to require information on the illness an employee is suffering from or whether cases of sickness exist in the employee's family. The employer is only entitled to require limited information from the employee regarding the infection; e.g. whether if he/she has visited a risk area; or whether is he/she is planning to spend time at a risk area (business and private trip); or information on the fact of having contact with people arriving from risk areas.

6. Examinations

(Can the employer order medical examinations/quick test or temperature scans?)

The employers may not take such medical examinations / rapid tests or thermal scans or thermal images which cover their employees in general. However, they may order such examinations to be carried out by or under the supervision of a healthcare professional for employees in positions particularly affected by the illness.

7. Continued payment of remuneration in the event of operational restrictions

(Are employers obliged to continue to pay remuneration in the event of officially ordered quarantine? Are employers obliged to continue to pay remuneration if the business is tempo-

rarely closed down due to an official order? If so, can employers claim reimbursement from the authorities?)

If the employee is healthy and able to work but he/she is subject to disease control measures (quarantine) and therefore he/she is unable to work he/she shall be deemed as incapable for work and is entitled to sickness benefit, provided that it is not possible to employ him/her in another position (e.g. home office). The same rule applies if the business is temporarily closed down due to an officially ordered quarantine.

8. Childcare

(Is an employee also obliged to work if schools and childcare facilities have to be closed and their own children have to be looked after? Do employers have to continue to pay remuneration if necessary?)

The employee is obliged to work even in the case the schools and childcare facilities are closed and she/he has own children have to be looked after.

In such a case, however, the employee may agree with the employer on taking leave of absence or absence without pay. Furthermore, employee may be exempted from work duty, however in this case the employee is not entitled to remuneration by law.

9. Use of leave or flexitime accounts

(For example, can employers order the use of leave or working time credits or the accumulation of debit hours if employees cannot be employed due to the risk of infection?)

Apart from seven days per year that employees can take at their own discretion, employers are generally entitled to schedule their employees' statutory leave days unilaterally. In general, employees shall be notified on their scheduled leave no later than 15 days before the first day of vacation.

The employer and employee may also agree that the employer schedules all leave days (including the seven days of leave mentioned above) with immediate effect.

10. Business trips

(Can employees still be sent on business trips to risk areas? Can employees refuse to undertake such business trips?)

It is not recommended to send employees in such areas and due to the continuous increase on various travel restrictions it becomes less possible to send the employees on business trips in risk areas. Should the business trip result in direct and grave risk to health of the employee, employees may refuse to carry out such instructions.

11. Employee's private travel

(Can employers require disclosure of the employee's private travel destinations? Can employers prohibit/advise against private travel?)

The employer is entitled to require information whether the employee has visited or is planning to visit risk areas in the future. The latter can be forbidden by the employer and/or the parties may agree that the employee shall work from home during the following two weeks / take leave or unpaid leave after his/her return. If the employee shows signs of the infection

he/she should be immediately directed to see a doctor; depending on the severity of the symptoms health authorities may also be informed.

/ H. Ireland

1. Prevention measures

The employer must take appropriate measures to reduce the health risk in the workplace. The measures must be regularly adapted to the circumstances. Official recommendations of the government and health authorities must be observed.

At present, it is recommended that activities be moved to working from home. Washrooms must be equipped with sufficient soap and disinfectant. Workplaces must be cleaned regularly. Protective masks for healthy people are not recommended.

2. What has to be done if an infection is suspected or confirmed?

Whether the employer has to send an employee home on suspicion of infection depends on the severity of the suspicion. Access should only be denied after a risk assessment and on the basis of official recommendations for action and official requirements. If the suspicion is not sufficient, there is a risk of unjustified discriminatory treatment of the employee.

If employees are on sick leave, they should not work from home either. If the employer refuses the employee access to the workplace, it must prove that it has carried out a risk assessment beforehand.

The employer has no notification obligation. The employer may request health information from the employee, subject to compliance with data protection regulations.

3. Right to be released from work or to work from home

Employees do not have the right to work from home or to be released from work due to fear of infection.

Where possible, however, employers should facilitate paid work from home. This applies all the more if the employee belongs to a risk group. Leave and parental leave entitlements must be granted more flexibly than is otherwise provided for.

4. State support, in particular benefits for short-time work

The Irish government has announced its intention to ease the burden on the welfare system.

The employer may introduce short-time work in the form of a temporary suspension of activities or a reduction in working hours, but must ensure that social selection is appropriate and may not discriminate against employees on the basis of prohibited grounds. If the introduction of short-time work is not contractually regulated, it can only be considered on the basis of established customs and practices in the company. A reasonable period of notice must be observed.

In order to safeguard jobs, the Irish government has set up a temporary refund scheme from which the employer can obtain replacement benefits. This refunds the employer EUR 203/week for each employee who would otherwise have been laid off due to the adverse effect on business activities as a result of the official requirement for social distancing. If em-

employers cannot continue to pay the wages, employees can receive a 'COVID-19 pandemic unemployment payment' of EUR 203/week for a period of up to 6 weeks.

If the employee was merely sent home by the employer as a prevention measure, without the need for self-isolation based on the requirements of the health authorities, he/she receives regular jobseeker's allowance or welfare benefits following the 'COVID-19 pandemic unemployment payment' if the employer is unable to continue paying the wage.

5. Employer's right to information about illnesses

The employer may request health information on the employee, but not on the employee's family members, in compliance with data protection regulations.

6. Examinations

Employees should not generally be examined. In accordance with the applicable criteria of the health authorities, employees must themselves contact a doctor by telephone in the event of a suspected infection.

7. Continued payment of remuneration in the event of operational restrictions

The employer may be exempted from the obligation to pay wages in the event of **absence from work ordered by the authorities**. However, if the employee is actually on sick leave, he or she is subject to any regulations of the employer regarding continued remuneration in case of illness.

Employees who are in **quarantine** in accordance with the current guidelines of the health authorities and whose wages are not paid by the employer can apply for subsidies of EUR 305/week for a maximum of 2 weeks if the employees have to remain at home or at a medical facility.

See 4. as well.

In the event of an ordered **closure of a business**, the government has requested employers to continue to pay, as far as possible, at least the amount of unemployment benefit of EUR 203/week.

If employers have to give up their business due to the adverse effects of the intended social distancing, they can apply for reimbursement from the Department of Employment Affairs and Social Protection. A temporary refund system is currently being introduced. Further details are pending.

8. Childcare

Beyond urgent absences due to force majeure, the employee is in principle not entitled to wage payment if he or she is unable to work due to having to care for a family member. However, the employer should react flexibly to requests for leave or parental leave from employees.

9. Use of leave or flexitime accounts

In principle, the employer can only decide whether to grant the employee leave. However, the notice period of one month must be observed and the employee (or the trade union) must be consulted. Timely implementation as an immediate reaction to the coronavirus crisis is there-

fore difficult. Family obligations and recreational opportunities must be taken into account where appropriate.

10. Business trips

The employer should prohibit business trips to risk areas and should generally limit business trips to essential business trips. An employee cannot be forced to undertake a business trip to a risk area. Meetings should be held by telephone conference.

11. Employee's private travel

The employer may request information about private travel plans due to the current risk of infection. The employer cannot prohibit private travel. However, if the employee travels to risk areas despite prior warning and has to go into quarantine on his or her return, the employer may be exempted from paying wages for the period of quarantine in individual cases.

/ I. Italy

1. Prevention measures

The Italian government and the representatives of employers' associations and trade unions reached agreement on 14 March 2020 on a protocol for the protection of the health and safety of workers from coronavirus (the "**Protocol**"), which provides for measures to be implemented by employers to ensure the protection of their workers from the spread of coronavirus. The Protocol provides, for example, for the cleaning of premises and, as far as possible, the ordering of leave and working from home or the reorganisation of shifts. Especially when this is not possible or sufficient, the use of personal protective equipment (protective masks, gloves, etc.) is also provided for.

Where an employee's behaviour is manifestly contrary to national or company instructions, this could give rise to disciplinary action.

2. What has to be done if an infection is suspected or confirmed?

Employers must immediately inform the health authorities in the event of suspected cases or infections and facilitate the immediate isolation of the employee from other persons.

3. Right to be released from work or to work from home

A right to release from work or to work from home does not generally exist. This decision is incumbent on the employer.

4. State support, in particular benefits for short-time work

There are several state benefits, in particular a 'wage compensation fund' (*Cassa Integrazione Guadagni*), which allows the continuation of wage/salary payments for a period of up to 9 weeks.

5. Employer's right to information about illnesses

Employers have a right to be informed if the employee's illness is related to the coronavirus.

6. Examinations

Employers are entitled to refuse access to premises to persons showing symptoms of coronavirus. To this end, the Protocol explicitly provides for the possibility of measuring the body temperature of the persons concerned, provided that the privacy of the persons is guaranteed as far as possible.

7. Continued payment of remuneration in the event of operational restrictions

Ordered **quarantine** and self-isolation are treated economically as 'illness'.

In the event of **business closures**, there is generally no obligation to continue paying remuneration. Instead, working from home should be made possible or employees should be ordered to take leave. In addition, state benefits in favour of employers have been introduced (see 4.). If employers do not provide alternatives to merely stopping of payments without a justified reason, employees may be able to claim damages.

8. Childcare

The Italian government has introduced a special form of 'parental leave', which provides economic support for parents who have to look after children up to 12 years of age due to the closure of day care centres and schools.

9. Use of leave or flexitime accounts

Employers can order employees to take leave in order to avoid risks.

10. Business trips

According to the Protocol, trips must be suspended or cancelled.

11. Employee's private travel

Employers are not entitled to information about private trips of the employee. Currently, individuals are prohibited by law from leaving their place of residence without urgent personal or professional reasons. Employers must inform employees, with the assistance of the company doctor and the occupational health and safety agency, about rules of conduct and precautions to be taken in connection with coronavirus and may make further recommendations when doing so.

J. Norway

1. Prevention measures

The employer is obliged to reduce company-specific health and infection risks in the workplace and to take appropriate measures. Particularly in the case of the coronavirus, these measures include reducing contact (quarantine, working from home), avoiding business trips, as well as increased hygiene regulations and making disinfectants available. However, according to the Norwegian Ministry of Health, protective masks should only be used by medical staff.

2. What has to be done if an infection is suspected or confirmed?

The employer must always send employees suspected of having a coronavirus infection home in order to prevent further infections in the workplace. If the suspicion is confirmed, employees who have had contact with the sick employee must stay at home for 14 days. There is currently no obligation to report suspected cases or cases of illness.

3. Right to be released from work or to work from home

The employee's fear of infection does not establish any legal right to being released from work or to work from home.

4. State support, in particular benefits for short-time work

The employer can order a kind of short-time work. In this case, a 14-day notice period applies, which can be reduced to 2 days in individual cases in the case of short-time work due to 'unforeseen circumstances'. A crisis package presented by the government on 16 March 2020 is intended to reduce the time during which the employer finances short-time work from 15 to 2 days. Under the package, the government will pay up to six times the basic remuneration (currently NOK 99,858) for up to 20 days. The crisis package has yet to be passed by parliament.

Under the package, employees can apply for a grant of up to 62.4% of their income from the last 12 or 36 full calendar months before the application is submitted to the Norwegian Labour and Welfare Association, up to a maximum of NOK 7,190/week gross. This allowance is subject to the employee's workload having been reduced by at least 40%.

5. Employer's right to information about illnesses

The employer can demand that it is notified of any coronavirus infection. The employer's obligation to protect employees by preventing health risks in the workplace constitutes a basis for this within the meaning of data protection law. Other data protection regulations must still be complied with.

6. Examinations

Physical examinations are provided for as control measures in the Norwegian Working Environment Act and may only be carried out if they do not cause excessive stress for the employee. Further requirements are set out in the Norwegian Working Environment Act.

7. Continued payment of remuneration in the event of operational restrictions

Employees who are in **quarantine** but work from home retain their right to remuneration. Employees who are in quarantine and have a sick note from a doctor are entitled to continued payment of their remuneration. If the employee on sick leave still works from home, he or she can also claim his or her remuneration.

The employer is obliged to continue to pay the full remuneration in spite of **business closures**, provided that it does not order short-time work or permanent dismissals. For wage replacement benefits in the event of short-time work, see 4.

8. Childcare

At the moment, the employee must also work when kindergartens and schools are closed. This is to be adjusted as part of the forthcoming crisis package. According to the package, both parents of a child aged no more than 12 years would be entitled to up to 20 days off per year for childcare due to the closure of schools/kindergartens. The crisis package is also intended to extend the scope of continued payment of remuneration in such situations. In this case, the employer will only be obliged to continue to pay remuneration for the first 3 days. Subsequently, the Norwegian Labour and Welfare Association will assume the compensation payments.

9. Use of leave or flexitime accounts

If employees cannot work from home, the employer may require the employee to reduce time credits. Leave cannot be ordered unilaterally. The employee may be given the opportunity to take leave if he or she is unable to work from home.

10. Business trips

The employer is obliged to cancel or change business trips to risk areas. The general assumption is that employers now follow the recommendation of the Ministry of Foreign Affairs that no business trips should be made that are not absolutely necessary. This initially applies until 14 April 2020. However, the employee cannot object to a business trip.

11. Employee's private travel

Against the background of the coronavirus crisis, the employer can request information on private travel destinations and may even prohibit private travel. Private travel can endanger the workplace after returning home, so prohibiting it is one of the measures that the employer must take to protect health at work. If the employee returns home sick from a risk area, he or she is entitled to continued remuneration if he or she is on sick leave. As part of the package of measures yet to be adopted, it was proposed that the employer's normal obligation to continue to pay wages is being reduced from 16 days to 3 days. Any company regulations on dealing with sickness-related absences remain unaffected. If the employee is only in quarantine as ordered by the employer without sick leave, he or she is entitled to the normal remuneration. The employer may refuse to pay wages if the employee has travelled to a risk area despite a warning. However, the employee must have been informed of this risk before travelling.

K. Poland

1. Prevention measures

Employers must inform their employees about risks and appropriate hygiene measures in the workplace, provide them with disinfectants and other hygiene protection products and any necessary protective equipment.

2. What has to be done if an infection is suspected or confirmed?

Where coronavirus infection is suspected or exists, employers should, in order to protect the health of other employees, ask the affected employee to remain away from the company until the suspected infection is ruled out, and inform the competent authorities and comply with their instructions.

3. Right to be released from work or to work from home

Release from work or working from home is possible if agreed between employee and employer.

4. State support, in particular benefits for short-time work

There are currently no state benefits for short-time work.

5. Employer's right to information about illnesses

Employers have no right to know what illness an employee is suffering from or whether there are cases of illness in the employee's family. However, employers may ask employees to notify the company if they believe they are infected with the coronavirus or have had contact with an infected person, in order to take appropriate steps to contain the spread of the infection within the company.

6. Examinations

In principle, employers are not entitled to carry out medical examinations of employees or third parties. However, if there is a reasonable suspicion that employees are infected with the coronavirus, employers may, for reasons of occupational health and safety, require them to undergo the necessary medical examinations and stay away from the company until the suspicion of infection has been ruled out. However, the draft amendment to the Act of 2 March 2020 on special solutions in connection with the prevention and control of COVID-19 provides for examination possibilities for employers, so that the amendment to the Act must be awaited.

7. Continued payment of remuneration in the event of operational restrictions

Employers are obliged to pay 80% of the remuneration if an employee has to go into quarantine or self-isolation due to official or doctor's orders. The duration of the continued payment of remuneration can be up to 14 or 33 days, depending on the employee.

However, there are no clear regulations regarding the continued payment of wages in the event of a business closure. Employers will probably be obliged to continue to pay the regular remuneration. Employers may later be able to request reimbursement from the relevant authorities.

8. Childcare

According to a new law, employees are entitled to 14 additional days off in case of day care centre and school closures due to the coronavirus. During these days, they receive an attendance allowance, which is paid by the employer or the social security agency, depending on the number of employees in the company.

9. Use of leave or flexitime accounts

Employers are likely to be entitled to order the use of carried over days of leave from the previous year(s), if such days still exist.

10. Business trips

Employees may refuse an ordered business trip to a risk area in the event of an objectively related risk.

11. Employee's private travel

At present, employers do not in principle have a legal right to information on where an employee travels or has travelled to for private purposes. However, this will probably be introduced by a new law to combat COVID-19.

Employer's recommendations concerning private travel by employees are not binding and have no consequences for employees under employment law.

/ L. Portugal

1. Prevention measures

Coronavirus-specific requirements do not currently exist. However, employers are currently required to enable employees to work from home as far as practicable within the framework of general occupational health and safety obligations.

Insofar as they are necessary to protect employees' health, employers are also obliged to provide disinfectants, protective masks and the like.

2. What has to be done if an infection is suspected or confirmed?

The health authorities are responsible for ordering isolation. Isolated employees receive sickness benefit from the social security system for 14 days (analogous to an illness) if they cannot work from home due to the nature of their work.

Employers are obliged to forward a list of employees isolated by the health authorities to the social security agency.

3. Right to be released from work or to work from home

Employees can request to work from home if the nature of their work and position allows this. In this case there is no right to being released from work.

4. State support, in particular benefits for short-time work

In the event of a business crisis resulting from a drop in orders or similar, which seriously disrupts the company's normal activities, state support may come into consideration. In such circumstances, in order to preserve jobs and the company, the employer may, following a consultation procedure, suspend employment contracts and/or reduce working hours, i.e. introduce short-time work. In this case, employees are entitled to 2/3 of their remuneration. Of this, 70% is reimbursed by social security. However, the reimbursement is subject to minimum and maximum limits equal to one or three times the national minimum wage.

The government recently adopted additional support measures for companies that have upheld employment contracts despite the crisis. These measures included financial contributions to personnel costs and a temporary exemption of the employer from social security contributions.

5. Employer's right to information about illnesses

In principle, employers may only request information on the employee's health if this is necessary due to the nature of the job and the request for information is justified in writing. At the same time, employees have a general obligation to disclose circumstances which are necessary for the performance of their work. Due to the current coronavirus crisis, employees are probably obliged to report cases of illness or suspicion within their family, including themselves.

6. Examinations

Examinations may only be requested if they serve to protect the employee or third parties or if this is necessary due to the nature of their work. In the case of an examination, however, only the results of the examination as regards fitness for work must be communicated.

7. Continued payment of remuneration in the event of operational restrictions

Subject to the introduction of different rules in the case of general quarantine, employers are obliged to continue to pay 75% of the remuneration in the case of officially ordered **quarantine**.

This also applies in the event of temporary **business closures** ordered by the authorities. Reimbursements from the authorities are not provided for.

8. Childcare

In such cases, employees are not obliged to work if the child to be cared for is under 12 years of age or has a disability or chronic illness. In these cases, employees receive, within legal limits, 2/3 of their monthly basic salary, half of which is paid by the employer and half by social security. Financial support is not provided during school holidays.

9. Use of leave or flexitime accounts

New regulations are expected for scheduling leave. At present, employers can only schedule leave between 1 May and 31 October, unless otherwise agreed by mutual consent (different rules apply in the tourism industry). In the case of a collective agreement or with the consent of the works council, a shutdown can also be scheduled for 15 consecutive days (or longer) outside the above-mentioned period. Under certain conditions (such as compliance with a minimum notice period), employers may also demand the reduction of time credits.

10. Business trips

There is currently no express ban on business travel to risk areas. However, if the employee refuses to take the trip, no legal sanctions are to be expected.

11. Employee's private travel

Employers are not allowed to lay down any requirements regarding the employee's private travel. However, employees are required to disclose trips to risk areas. It remains to be seen whether sanctions under employment law would be upheld by the courts in the event of absences resulting from the trip.

/ M. Republic of Slovakia

1. Prevention measures

The employer is obliged to take appropriate measures to protect employees from infection. In the case of the coronavirus, these in particular include the following:

- Advising all workers of the hygiene recommendations regarding coronavirus and ways to prevent infection
- Provision of disinfectants and adoption of appropriate hygiene measures
- Cancellation of all business trips
- Cancellation of public events
- Minimisation of the number of employees present in the company and of the contact of employees with each other

Protective masks should only be provided in special cases, such as for hospital workers.

2. What has to be done if an infection is suspected or confirmed?

Employers are not obliged to send suspicious cases of infection home or report them. However, on the employer's advice, the employee can contact his/her doctor by telephone and, if necessary, take sick leave.

Employers may also release employees from work as a precautionary measure, while continuing to pay their remuneration.

3. Right to be released from work or to work from home

Only with the employer's consent.

4. State support, in particular benefits for short-time work

At present, there are no such arrangements. However, the government has announced to introduce unspecified state support benefits soon.

5. Employer's right to information about illnesses

The employer does not have any information rights. Only a request to voluntarily report such circumstances is possible.

6. Examinations

Ordering examinations is not permitted. They can only take place with the employee's consent. Quick tests or temperature scans can be offered as a preventative measure.

7. Continued payment of remuneration in the event of operational restrictions

In the case of officially ordered **quarantine**, the employee does not have any claim to his/her remuneration. However, he/she receives compensation in the event of illness. This is paid by the employer for the first 10 days and by social security from the 11th day onwards.

In the case of an official **business closure**, employees have a claim to continued payment of their full (average) remuneration. Employers have not yet received any reimbursements from the state.

8. Childcare

Employees must be released from work without pay for the care of a child under 10 years of age if the child cannot be looked after in school or a day-care centre. During this period, the employee receives support benefits under the Social Security Act.

9. Use of leave or flexitime accounts

Employers can determine the timing of leave. However, the employee must be notified of this at least two weeks in advance. Company holidays can also be arranged up to a duration of two weeks. If there is an employee representative body, it has a right of co-determination in the ordering of company holidays. Overtime can only be reduced by mutual agreement. Where flexitime accounts have been introduced, debit hours can be accumulated as a short-term and medium-term solution.

10. Business trips

All business trips have had to be cancelled as of 12 March 2020.

11. Employee's private travel

Travel abroad has been prohibited since 12 March 2020. People returning from abroad are subject to a 14-day quarantine.

Employers have no right to information about private travel. However, recommendations may be made.

/ N. Romania

1. Prevention measures

Employers must determine the nature and level of risk for each activity where there is a risk of coronavirus infection and take appropriate measures, such as the provision of hygiene materials (masks, protective gloves, etc.), increased working from home, compliance with minimum distances and the establishment of plans to ensure continuity of activities in the event that a significant number of workers are unable to carry out their activities in the workplace organised by the employer.

The authorities recommend that all companies with more than one hundred employees postpone the work programme for staff using public transport. The recommendation is valid from 12 March 3 until 31 March at Bucharest and county level with the possibility of extension.

2. What has to be done if an infection is suspected or confirmed?

Employees who have become infected with the coronavirus or are suspected of being infected must be placed in quarantine or self-isolation. This also applies to other employees who have come into contact with the sick employee. Employers must be notified immediately in such cases. If an infection has been confirmed, employers are obliged to inform the competent public health authority. The relevant employment relationship is suspended for the duration of quarantine or isolation.

3. Right to be released from work or to work from home

Working from home can only be ordered if this is expressly provided for in the employment contract. A unilateral order by the employer is only possible in cases of force majeure. Whether this can be affirmed is not certain.

Employees do not have any right to paid release from work. Employees are only entitled to paid days off for family events in accordance with company regulations or the applicable collective agreement and to unpaid leave.

4. State support, in particular benefits for short-time work

There are not currently any state benefits. If the economic activities of employers are adversely affected (e.g. as a result of a decrease in income), they may order the suspension of employment contracts due to a temporary reduction or interruption of activities. In this case, employees are entitled to compensation of at least 75% of their basic salary. This compensation is paid by the employer. Only after consultation with employee representatives does the employer have the option of reducing working hours from 5 to 4 days/week, which results in a proportional reduction in salary.

5. Employer's right to information about illnesses

Employers may, as an exception, request information on coronavirus infections because of the particular public interest.

6. Examinations

In view of the special circumstances and the emergency situation, such measures should be justified. However, they can only be carried out with the express consent of the employee.

7. Continued payment of remuneration in the event of operational restrictions

During **quarantine**, employees receive compensation of 75% of the average income of the last 6 months within the limit of 12 gross minimum wages at county level per month. This allowance is paid entirely from the state budget. For **self-isolation**, in the absence of explicit regulations, the allowance is paid by the employer for the first 5 days of medical leave and thereafter from the state budget.

If there are **business closures** due to official orders, this should be considered as a case of force majeure. In the event of force majeure, the employment contract is suspended by law, so that no payments have to be made to employees.

8. Childcare

In principle, employees are already regularly entitled to paid days off for special family events. In addition, employees may receive unpaid leave for personal reasons. In accordance with a new law that will come into force on 19 March 2020, parents with children up to 12 years of age or children with a disability up to 18 years of age may also be entitled to paid days off if the care facilities are temporarily closed by the authorities due to extreme circumstances, provided that working from home is not possible.

Employees are entitled to compensation during their days off in the amount of 75% of the regular salary, but not more than 75% of the average basic salary used to determine the social security budget, which is LEI 5,429 (approximately EUR 1,130) for 2020. The amounts are deducted from the guarantee fund for the payment of salary claims and must be refunded by the end of the tax year.

9. Use of leave or flexitime accounts

Employers do not have the right to order leave unilaterally. However, they may order paid days off, which must be compensated by overtime over the next 12 months, or they may grant days off for overtime worked in the last 60 days (in which case there is no overtime bonus).

10. Business trips

Employers can currently still order essential business trips to risk areas. However, employers must take all necessary steps to protect and limit the employee's exposure. Failure to comply with such recommendations and health and safety regulations may result in criminal prosecution.

11. Employee's private travel

Employers cannot prohibit private travel by employees, but can only make recommendations without consequences for the employment relationship. They may also have a right to know where the employee has been, if there is a risk of infection for other employees. When employees travel to high-risk areas, they must be placed in quarantine or self-isolation when they return. In such cases the employment contract is suspended by law.

O. Russia

1. Prevention measures

According to the order issued by Mayor of Moscow on 5 March 2020 (which is subject to regular changes), employers must measure the body temperature of all employees and release them from work in case of increased body temperature.

Furthermore, employers must deny access to the premises to employees who are (i) from China, Member States of the European Union, the United Kingdom, the USA, Korea, Iran, etc. (the “**infected areas**”) (these employees must be quarantined for 14 days after returning to Russia) and (ii) are subject to self-isolation as established by law.

Employees are to be assisted in maintaining self-isolation.

Employers must, at the request of the authorities, notify all business contacts of an infected person and ensure disinfection of the premises visited by the infected person.

There are currently no requirements for the provision of protective masks, disinfectants or similar.

2. What has to be done if an infection is suspected or confirmed?

All employees with symptoms of viral respiratory disease must be sent home and assisted in maintaining 14-day self-isolation. There is no obligation to release contact persons of infected persons from work. However, employees who live with a person returning from the infected areas (see 1.) must also comply with the self-isolation policy established for that person.

Employers must report the return of employees from the infected areas.

3. Right to be released from work or to work from home

Release from work and working from home require the employer’s consent.

4. State support, in particular benefits for short-time work

There are no state benefits.

5. Employer’s right to information about illnesses

Employers are not entitled to information about illnesses of their employees. There are currently no exceptions for the coronavirus.

6. Examinations

Temperature readings have been ordered. In all other cases, the employee’s consent is required.

7. Continued payment of remuneration in the event of operational restrictions

Employees in **quarantine** are regarded as sick and, in the event of a certificate of incapacity for work, are entitled to (reduced) continued remuneration, which is reimbursed to the employer by the state social security system. In some cases, employers undertake to increase the reduced continued remuneration up to the amount of the contractual remuneration.

In the event of a **business closure**, the regulations on idle time and downtime apply. If such periods fall neither under the employer's or the employee's responsibility, at least 2/3 of the basic remuneration must be paid. There is no reimbursement from the state.

8. Childcare

Employees are also obliged to work in case schools etc. are closed.

9. Use of leave or flexitime accounts

Employers cannot unilaterally order leave or the reduction of overtime.

10. Business trips

In principle, there are no restrictions on business trips and no rights of refusal of the employee. However, most companies now waive business trips abroad due to internal regulations.

11. Employee's private travel

The employer has no rights to information. However, people returning from the infected areas are themselves subject to a notification obligation.

/ P. Spain

1. Prevention measures

Employers must ensure the health and safety of their employees in the working environment. The necessary occupational health and safety measures must be implemented in coordination with the Occupational Health and Safety Agency (*Servicios de Prevención*). Depending on the risks specific to the workplace, it may be necessary to work from home or to wear protective masks or even to temporarily close the workplace. Depending on the recommendations of the Occupational Health and Safety Agency, gloves or protective masks should also be provided in individual cases.

2. What has to be done if an infection is suspected or confirmed?

Employees who show symptoms of a coronavirus infection or who are at risk of becoming infected should report this to their employer or the Occupational Health and Safety Agency. As a rule, the employee should then, as far as possible, be asked to work from home and to consult a doctor. Employers are not obliged to report suspected or confirmed cases.

3. Right to be released from work or to work from home

There is no right to paid release from work. However, employees may reduce their working hours (and at the same time their salary) by up to 100%, adjust their working hours or, as far as possible, work from home to care for family members.

4. State support, in particular benefits for short-time work

State support as such does not exist. However, employers can suspend employment contracts or reduce working hours (and proportionally the remuneration) if the coronavirus crisis affects their business activities and personnel capacities cannot be fully utilised. For the duration of these measures, employees can claim unemployment benefits to mitigate the associated loss of salary.

5. Employer's right to information about illnesses

Employers have no such rights to information. However, employees have a disclosure obligation to the responsible Occupational Health and Safety Agency if they show symptoms of coronavirus infection or were subject to an increased risk of infection (for example, due to the infection of a member of their household).

6. Examinations

In principle, the employer cannot demand the employee's participation in such examinations and tests. However, in view of the coronavirus crisis, the Occupational Health and Safety Agency can recommend such measures, provided they are appropriate and necessary. In this case, however, the protection of the employee's privacy must be ensured.

7. Continued payment of remuneration in the event of operational restrictions

In the event of **quarantine**, the social security system will pay sickness benefit for the employee. However, collective agreements or other commitments made by the employer may result in the employer's obligation to top this up to the amount of the lost remuneration.

Subject to the measures mentioned under 4., employers are also obliged to pay remuneration in the event of an official **business closure**. However, in the event of an official order, the measures mentioned could be implemented more quickly and retroactively for the period of the order. However, employers do not have any claims for reimbursement against the authorities.

8. Childcare

There is no right to paid release from work. However, employees may reduce their working hours (and at the same time their salary) by up to 100%, adjust their working hours or, as far as possible, work from home to care for family members.

9. Use of leave or flexitime accounts

Leave cannot be scheduled unilaterally by the employer. A mutually agreed arrangement is possible.

Debit hours cannot generally be accumulated. Under certain conditions, however, up to 10 % of the annual working time can be distributed irregularly and thus effectively saved.

10. Business trips

If the current restrictions on movement and any recommendations of the Occupational Health and Safety Agency are observed, the employee may not refuse to undertake a business trip if this is part of the contractually owed work performance.

11. Employee's private travel

Private travel is currently virtually impossible. If an employee should nevertheless travel to a risk area and become infected there, this would constitute a case of illness and in principle the social security system, not the employer, would have to bear the costs of sickness benefit (see 7.).

/ Q. Sweden

1. Prevention measures

There are special regulations (only) for companies where there is a risk of infection in the workplace.

Protective masks, disinfectants, etc. must only be provided for certain workplaces with an increased risk of infection (hospitals, laboratories, etc.).

2. What has to be done if an infection is suspected or confirmed?

According to general principles, there should be no sick people in the workplace. It is up to the employer to decide when an employee should be sent home.

The employer only has a notification obligation if an employee has been infected *at work*. In this case, employers are obliged to check their work processes.

3. Right to be released from work or to work from home

Employees who want to work from home for fear of infection can do so. They may also have a right to be released from work with continued payment of remuneration (salary and other benefits).

4. State support, in particular benefits for short-time work

On 16 March 2020, the Swedish government announced that employers and employees can agree on a reduction in working hours and that the employer can receive certain compensation from the state for loss of wages. Details are not yet known.

5. Employer's right to information about illnesses

Voluntary information only. However, this information may not be stored, as it is special personal data within the meaning of Swedish data protection legislation.

6. Examinations

Employers can scan employees and visitors to detect fever and, if necessary, deny access to the premises. However, information obtained in this way may not be stored, as it constitutes special personal data within the meaning of Swedish data protection legislation.

7. Continued payment of remuneration in the event of operational restrictions

An obligation to continue paying remuneration in the event of **quarantine** or a **business closure** is not currently provided for. Whether such an obligation will be introduced in Sweden in the event of such an order is not yet known.

8. Childcare

Childcare is the responsibility of each family. Parents can make use of temporary parental leave within the framework of existing regulations and in the meantime receive benefits from the state. Alternatively, the employee can take leave or agree unpaid leave with the employer. Some employers allow the employee to work from home.

9. Use of leave or flexitime accounts

Such measures cannot be ordered.

10. Business trips

Ordering a business trip to a risk area is not permissible without the employee's consent.

11. Employee's private travel

Information on private travel destinations is voluntary. The employee's private travel to individual destinations cannot be prevented. In the event of an infection of the employee, no consequences under employment law result from such a trip.

/ R. Switzerland

1. Prevention measures

In the event of a large-scale epidemic of infectious diseases, the employer must, in particular, prepare and implement the hygiene measures recommended or ordered by the health authorities, inform workers of the risks of infection and the measures to be taken, and instruct and monitor them.

Disinfectants must be made available to employees based on the employer's duty of care and the instructions of the authorities. Depending on the employee's function, the provision of respiratory masks for the protection of the workforce may also be appropriate or even necessary (nursing staff etc.).

2. What has to be done if an infection is suspected or confirmed?

As a rule, in order to protect the workforce, the employer is obliged to send home any employee who is suspected of being ill as well as colleagues who have been in contact with the employee. There is no obligation to notify the authorities.

3. Right to be released from work or to work from home

COVID 19 Regulation 2 requires particularly vulnerable workers to work from home. If this is not possible, the employer must give them leave with continued pay. Particularly vulnerable persons include employees aged 65 and over and persons who have the following illness in particular: high blood pressure, diabetes, cardiovascular diseases, chronic respiratory diseases, diseases and therapies that weaken the immune system and cancer.

Employees have no right to be absent from work beyond official orders. The situation is different if the employer does not take protective measures and there is a risk of infection for specific, objective reasons.

4. State support, in particular benefits for short-time work

With the consent of the employee, short-time work may be introduced. To partially compensate for the loss of working hours, the employer may, under certain conditions, apply for short-time work compensation ("STWC").

Employers may apply for STWC because of the coronavirus if:

- the loss of working hours is due to official measures or other circumstances or economic reasons beyond the employer's control;
- the loss of working hours is unavoidable or no third party can be held liable for the damage;
- the loss of working hours is credibly linked to the coronavirus pandemic;
- the employment relationships affected are not terminated, not limited in time (no possibility of termination in the contract), not temporary contracts, not apprenticeships and not 'work on call';
- the loss of working hours is likely to be temporary and jobs can be expected to be preserved due to short-time work;

- the working time can be checked; i.e. the employer has detailed records of employees' working hours, in particular (i) the daily working time including overtime, (ii) hours not normally worked due to the loss of working hours, and (iii) normal absences from work by employees due to e.g. illness, holidays, military service;
- the loss of working hours per payroll period (= calendar month) is at least 10% of the total hours normally worked by the employees; and
- the loss of working hours is not caused by circumstances that are part of the normal operating risk (this is assumed for the coronavirus and its consequences).

Employees whose normal working hours are reduced or whose work is stopped completely are entitled to STWC.

- Normal working hours are the employees' contractual working hours (but not exceeding the normal working hours for the industry). For employees with a flexible working time system, the contractually agreed annual average working hours are to be regarded as normal working hours.
- Working hours are only considered reduced if, together with any additional hours (overtime, extra work, etc.), they do not reach normal working hours and provided that the overtime worked in the last 6 months prior to claiming STWC has been reduced.

If the conditions for introducing short-time work are met, the unemployment insurance fund will pay 80% of the creditable loss of earnings.

5. Employer's right to information about illnesses

Due to the pandemic, the employee must inform the employer (without being asked to do so) if the employee has been in risk areas or if he/she notices symptoms of illness in him/herself or close relatives. In principle, however, the employer has no right to know the exact diagnosis of the illness.

6. Examinations

The employer is obliged to take all necessary hygiene measures to protect the health of its employees. However, the measures taken must be proportionate and respect the employee's personal rights. In view of the current situation, it should be permissible to measure the temperature at the entrance to the company or to carry out a quick test. This should also apply in individual cases to a medical examination.

7. Continued payment of remuneration in the event of operational restrictions

In case of **quarantine**, the employer is generally obliged to continue to pay wages for a certain period of time. However, something else may apply in cases where the employee has entered risk areas without good reason and contrary to the official recommendations.

If entire cities or parts of the country are sealed off, the employees are released from their obligation to work and the employer from its obligation to pay wages. If only a certain **business is closed** and the closure falls within the employer's sphere of risk (e.g. lack of prevention), the employer is obliged to continue to pay wages. A refund from the authorities is not possible.

8. Childcare

Employees are released from their obligation to work, but have no claim to their remuneration.

9. Use of leave or flexitime accounts

In practice, a minimum notice period of 3 months is recognised for scheduling leave. It is controversial whether this can be deviated from in an operational emergency situation. Compulsory leave due to an urgent operational need and which was unforeseeable is generally permissible. However, employees cannot be forced to take compulsory leave that exceeds their leave entitlement.

Time credits can only be reduced or debit hours accumulated on the basis of an appropriate contractual agreement or with the employee's consent.

10. Business trips

As long as the authorities have not imposed travel restrictions, the employee must follow the instructions regarding a business trip. However, an employer is not allowed to send an employee with an increased risk of serious illness to a risk area. The employee may therefore refuse to undertake such a business trip.

11. Employee's private travel

The employee may in the individual case be required to notify the employer of a private travel destination.

Instructions from the employer may not, in principle, interfere with the employee's private leisure activities. An instruction to refrain from travelling to certain countries or not to participate in major events or to avoid crowds is therefore a delicate issue.

There is much to be said against an obligation to pay wages if the employee has travelled to high-risk areas without good reason and contrary to the recommendations of the health authority and was subsequently quarantined by the employer or the authority. This question has not, however, been fully clarified.

/ S. Turkey

1. Prevention measures

Employers have general occupational safety obligations. To prevent the spread of the coronavirus, it is recommended that the business be disinfected regularly, compliance with hygiene be observed, a complete supply of hygiene items be kept on hand, regular health screenings be promoted, risk assessments be conducted and managers be referred to healthcare facilities without delay if they have symptoms of infection. Companies are also advised to have company doctors measure employees' temperature and to send employees with high fevers to healthcare facilities without delay.

The Ministry of Health has not yet issued any special instructions regarding specific personal protective equipment with which employers must provide employees. Occupational safety experts recommend keeping disinfectants available and observing hygiene regulations at the highest level, providing employees with the necessary hygiene items and monitoring their usage.

2. What has to be done if an infection is suspected or confirmed?

If an employee is infected or suspected of being infected, the company doctor must immediately refer that employee and all employees with whom he/she has been in contact to a hospital.

A suspicion of infection is to be assumed if a person has an acute respiratory illness with symptoms such as fever, cough and possibly difficulty breathing and if, within the previous 14 days, the person (i) has had close contact with a person who was infected with the coronavirus or (ii) has been in a healthcare facility of a country in which cases involving the coronavirus had been reported or (iii) has been in an epidemic area (the People's Republic of China, Singapore, Iran, Thailand, Japan, Hong Kong, South Korea, Italy).

Employers are obliged to report known cases of infection with the coronavirus to the Ministry of Health. Employees who present a risk of infection can be prohibited from working. In analogous application of the decisions of the Turkish Supreme Court regarding swine flu (H1N1), which treated the illness as an occupational accident, the employer has to report any occupational accident to the social security system within three days of having discovered an illness caused by the coronavirus in order to avoid the risk of a fine.

3. Right to be released from work or to work from home

It is not currently to be assumed that there is any such right because the epidemic is not very widespread in Turkey and no quarantine has been ordered by the Ministry of Health.

However, at the request of a directly and significantly endangered employee, the occupational safety committee, or, if there is none, the employer must immediately decide on protection measures. If the employee making the request is in a high-risk group, his/her request should be complied with. Permission to work from home can be granted on a case-by-case basis.

Working from home must be initiated by written notice to the employee, including notice that the remuneration will continue to be paid without any changes. If the employee refuses to work from home, leave can be granted in some cases (see 9.).

4. State support, in particular benefits for short-time work

Due to the coronavirus epidemic, employers can apply in writing to the appropriate government employment agency, and, if a collective bargaining agreement applies, to the union, for a government allowance for short-time work. The requirement for this is a temporary decrease of working hours by one-third or the complete or partial suspension of the work done at a specific workplace for at least four weeks. At the employer's request, a short-time work allowance will be paid to the employee and corresponds to 60% of his/her average daily gross earnings over the previous twelve months. The allowance must not exceed 150% of the gross monthly minimum wage.

5. Employer's right to information about illnesses

Data processing controllers can demand information regarding illnesses in the workplace. The employee's express consent and compliance with Turkish laws on the protection of personal data are necessary. When obtaining express consent, the purpose should be mentioned, the data subject should have the right to refuse to give such consent and the personal data received should only be processed for the purpose mentioned. When the purpose of processing the data no longer exists, such data should be deleted.

6. Examinations

Employers cannot force employees to undergo a test or similar procedure; they are only permitted to require them to see a doctor.

7. Continued payment of remuneration in the event of operational restrictions

Employers must pay employees one-half of a day's wages for up to one week if the coronavirus results in regional **quarantines or lockdowns or an officially ordered business closure** because it is impossible for the employee to go to work. If these circumstances and the accompanying impossibility to work last longer than one week, the employer can terminate the employee's employment contract without notice. The employer also has the option of suspending the contract without terminating it. In such a case, the employee has no right to claim remuneration, but the employer must employ the employee again when the hindrance no longer exists.

8. Childcare

There are no special regulations that apply if an employee must care for his/her child because kindergartens and schools are closed.

If the employee is the mother of a child of the statutory age, in accordance with the laws governing maternal leave or part-time work, after being released from work without pay, she can at any time after the maternal leave, part-time work or unpaid leave, apply for up to one-half of her working hours or unpaid leave of up to six months until the beginning of the month after the child reaches the mandatory primary school age. Besides these special legal provisions, taking annual leave and unpaid leave are conceivable.

9. Use of leave or flexitime accounts

Unpaid leave: Possible if the employer notifies the employee of this and receives his/her written confirmation of this within six days. If there is no written confirmation, this is interpreted as a termination.

Paid annual leave and collective leave: An employer is not bound by an employee's request for annual leave when granting paid annual leave. The employer must exercise its discretion in observance of the principal of good faith. An employer can also schedule collective leave for all or some of its employees between the beginning of April and the end of October.

Compensatory work: If work is significantly reduced or is suspended completely due to the coronavirus, an employer can order compensatory work for these time periods within two months. The compensatory work does not count as overtime or additional work, but may not exceed the maximum working time of 11 hours as laid down by law and may not exceed 3 hours per day. When ordering this postponement of work, the exact reasons within the meaning of the statutory regulations and the starting date must be stated.

Reducing accrued overtime/extra work: If an employee works overtime in connection with the coronavirus, upon written application within six months, he/she can receive for each hour worked, depending on whether such hour is classified as overtime or extra work, up to one hour and 30 minutes of free time, which he/she can take during working hours without any reduction of remuneration.

10. Business trips

It is assumed that, due to the current situation, employees have the right to refuse to take a business trip or attend a meeting in a foreign country.

11. Employee's private travel

Employers can only advise but not order employees not to take a private trip outside the country. The Ministry of Health has recommended that everyone self-isolate for 14 days after returning from high-risk areas and trips outside Turkey. Any employee who becomes infected with the coronavirus on a personal trip can be prohibited from working, lose his/her right to claim remuneration and have his/her employment contract suspended during this time. The employer may have the right to dismiss the employee if the time period in which the employee can be shown to have been under a work prohibition in connection with the coronavirus outbreak exceeds the employee's notice period by six weeks. In addition, an employer can dismiss an employee who has become infected with the coronavirus and is not able to submit a valid doctor's note when absent for at least one week.

/ T. United Kingdom

1. Prevention measures

Employers must take measures to protect their employees and third parties. Specifically, this duty includes

- conducting risk assessments of the risk of infection
- advising employees of facts, developments and risks, especially by conducting training sessions on hygiene, providing disinfectants and disposable paper towels, thoroughly cleaning surfaces in the workplace and using signs to remind employees and visitors of their duty of care.

Occupational safety policies should also be updated and supplemented. In the government's opinion, this applies in particular to preventing the spread of the infection and instructions on how to deal with suspected infections, people who have had contact with infected persons and people returning from foreign trips.

There is no general obligation to provide masks or disposable gloves unless the type of work entails an increased risk of infection (healthcare sector, etc.).

2. What has to be done if an infection is suspected or confirmed?

Any employee suspected of having been infected is to be sent home. It is also recommended that persons with whom this person has had contact also be released from work. All of the above persons should self-isolate.

If an employee is infected, local health protection teams will contact the employer to provide advice and support.

3. Right to be released from work or to work from home

Only with the employer's consent as long as there is no infection or ordered self-isolation.

4. State support, in particular benefits for short-time work

Short-time work can only be introduced if it is provided for in a contract, if it is company practice or if the employee gives his/her express consent. Employees have the right to claim remuneration for up to five days without work in a three-month period. Short-time work is not a requirement for this claim.

5. Employer's right to information about illnesses

An employee who is unable to work must inform the employer of the reason for his/her inability to work, if appropriate, in a doctor's note. There is no obligation to inform an employer about illnesses in the employee's family.

6. Examinations

In general, such measures cannot be introduced unilaterally. The employee's consent is required.

7. Continued payment of remuneration in the event of operational restrictions

An employee who is under **quarantine** has the right to claim statutory sick pay (currently £94.25/week, as of 6 April 2020, £95.85/week). Sick pay can also be owed if this is contractually agreed. If employees under quarantine can work from home, the normal remuneration is to be paid.

In the event of a **business closure**, the employer must continue to pay remuneration. Reimbursement is only provided for if it is necessary for the employee to self-isolate on the basis of statutory sick pay if the employer had fewer than 250 employees as on 28 February 2020.

8. Childcare

Employees have the right to temporary unpaid leave to care for their children while they find other childcare options. If an employee must care for his/her child himself/herself, and working from home is not an option, the employee must take paid leave or reach agreement with the employer on unpaid leave.

9. Use of leave or flexitime accounts

When scheduling paid leave, an employer must provide the employee with notice that is twice as long as the leave period. This means, for example, that two weeks' notice must be given for one weeks' paid leave.

Accumulation of debit hours is not standard practice in the United Kingdom.

10. Business trips

Requiring an employee to take a business trip to a high-risk area would presumably breach the employer's duty to protect and be considerate of its employees. In such a case, the employee would be entitled to refuse to go on the trip.

11. Employee's private travel

An employee is not obliged to inform his/her employer about private travel. If the employee has been warned before taking a trip that quarantine could be required after he/she returns from a high-risk area, the employee can be released from work without pay or be ordered to use paid leave for the time of this quarantine.

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