



COVID-19: Employment FAQ across the EU

19 March 2020

We have prepared responses to some of the most common questions we are receiving from clients.

We are adding additional jurisdictions as we get them, but didn't want to delay send because things are moving fast. For example, in Italy and The Netherlands, employee protection measures have just been announced.

Click to read more on:

<u>Albania</u>	<u>Italy</u>
<u>Austria</u>	<u>Poland</u>
<u>Bosnia-Herzegovina</u>	<u>Republic of Ireland</u>
<u>Bulgaria</u>	<u>Romania</u>
<u>Croatia</u>	<u>Slovakia</u>
<u>Czech Republic</u>	<u>Slovenia</u>
<u>Denmark</u>	<u>Spain</u>
<u>France</u>	<u>The Netherlands</u>
<u>Germany</u>	<u>United Kingdom</u>
<u>Hungary</u>	<u>Ukraine</u>



Pinsent Masons

Albania

What is entitlement to state or contractual sick pay for those in self-isolation?

As a rule, the employees who are absent from work due to a quarantine ordered by the General Directorate of Public Health or based on the measures imposed by the Government, are not required to perform any work, except for the cases when they have agreed for work from home. Such category is entitled for a statutory sick leave of 14 days. The employee would receive sick pay from the employer equal to 80% of the employee's average salary. Starting from the 15th day of sickness, sick pay will be paid into the employee by the social contributions fund.

The same would not automatically apply to those ordered for self-isolation. At the moment, the government has ordered self-isolation for the citizens that are not involved in substantial activities i.e those related to food supply and production, post offices, energy and water supply, etc. Within this week the government is expected to issue a regulation on the compensation of all the employees that have not been able to work due to restrictions imposed by the Government to limit COVID-19 spread.

What happens if a client closes a site where our workers are assigned and the workers can't attend to do their jobs?

Generally, if the company decides to temporary close a site, they must pay the employees the usual salary

As an exemption from the above would be closure due to Force Major Events.

However, as the Albanian legislation fails to provide a specific definition of Force Major Event, it would be required that the Government adopts a specific regulation that would refer the current virus outbreak as a Force Major Event

Can we law people off work without pay?

Generally, if the company decides to temporary close a site, they must pay the employees the usual salary

As an exemption from the above would be closure due to Force Major Events.

However, as the Albanian legislation fails to provide a specific definition of Force Major Event, it would be required that the Government adopts a specific regulation that would refer the current virus outbreak as a Force Major Event

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Yes. Pursuant to the recent instructions of the government, the employers are required to allow employees to work from home where possible and most of the companies are acting in compliance with such instruction.

If it would not be possible, the employer should consider alternative arrangements i.e. annual leave or unpaid leave.

What course of action we would take if someone refused to follow medical advice and "self isolate"? Can we suspend them?

In case that the Public Health Directorate has ordered self-isolation or quarantine for an employee, the latter should comply with such order, otherwise a penalty amounting to EUR 5,000 (five thousand) would be imposed.

Moreover, the employer should not permit the entrance of the employee at the premises of the company.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are the rights to time off/pay?

As a rule, the employee is entitled to paid leave up to 15 days per year and unpaid leave up to 30 days per year to look after minor children.

Currently the Government has issued an ordinance requiring the employer to allow one parent to stay off work to look after children younger than 12 years.

However, we expect that the forthcoming legal act expected to be adopted by the government within this week, would provide also for the payment of such category as well as for all those employees that were required to stay home as a preventive measure of self-isolation.

What about employees who might not have immunity issues themselves, but, who still are concerned, perhaps for family members who are more at risk?

The employee is entitled to unpaid leave up to 30 days in order to look after direct descendants or family members that have serious health issues confirmed by a medical certificate. In absence of such medical certificate, the employee would not be entitled for such unpaid leave.

However, we expect that the forthcoming legal act expected to be adopted by the government within this week, would provide also for the compensation of those obliged to take care of seniors (in view of the restrictions imposed by the Government, persons older than 70 years are currently not

allowed to get outside as they are considered as a category more at risk)

If we tell an employee to cancel a holiday, are we liable for the cost?

As a rule, the employer is not obliged to reimburse the employee for the costs in relation to the early return from the holiday or for the cancellation of a holiday.



Pinsent Masons

Austria

What is entitlement to state or contractual sick pay for those in self-isolation?

If an employee falls ill due to his infection with Corona and can therefore not perform his or her work, the general statutory regulations on continued remuneration in the event of illness apply.

Sick employees are entitled to a continued remuneration directly from the employer for a period of 6-12 weeks per year (depending on their length of service). After this period of time, the employee is entitled to receive ongoing reduced (50%) remuneration for 4 weeks, in which the employee also receives reduced sickness pay directly from the Social Security Agency. After this, the employees will only receive sickness pay directly from the Social Security Agency.

The remuneration paid by the employer not only included the employee's regular salary, but all regular remuneration components (such as regular overtime payments, bonuses, etc.). This means that the employee receives the salary that he or she would have earned if he or she had worked regularly.

If the employee falls ill while being on vacation, the vacation is considered interrupted if the illness lasts longer than three days. The days of illness in this case are not counted towards the amount of annual leave.

If the employee is segregated according to Section 7 or 17 of the Laws on Epidemics, the employee is entitled to continued remuneration, however, the employer is generally entitled to full reimbursement of continued remuneration from the Federal Government under the Law on Epidemics. Within six weeks from the day of lifting the quarantine, the Employer may claim back from the Federal Government the remuneration it has paid and the Employer's share of the statutory social security contributions for the quarantine from the district administrative authority in whose area the quarantine was imposed.

Please note: Provided that the employee is healthy during quarantine, he or she has to perform the work from home if possible (please see below).

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

In case the employees cannot perform due to the closure (and home office is not possible), it has to be distinguished if the closure is based on Law on Epidemics or based on COVID-19-Measures Law.

General Rules: According to the Salaried Employees Act (*Angestelltengesetz*) and the Civil Code (*ABGB*), employees are

entitled to continued remuneration if they are prevented from performing work for a (relatively short) period of time through no fault of their own for important reasons relating to their person. This may also include public duties such as quarantine and consequently the actual hindrance to work. The Law on Epidemics (*Epidemiegesetz*) includes special regulations for such cases.

If the quarantine is due to force majeure and its consequences affect the general public or go beyond the sphere of the Employer (e.g. quarantine in an entire region or industry), the employer's obligation to payment of continued remuneration is generally not applicable.

However, if such a quarantine (or a similar official measure pursuant to the Law on Epidemics preventing them from working) falls within the sphere of the Employer (e.g. if only this specific employer is affected) the remuneration must be paid to the affected employees for the duration of this period. Since diseases caused by the Coronavirus have been included in the list of notifiable infectious diseases, an affected Employer may under certain circumstances also be entitled to remuneration claims against the Federal Government under the Law on Epidemics.

In such cases, the Employer must continue to pay the remuneration to the employee and the Federal Government must reimburse the Employer for the remuneration paid: within six weeks from the day of lifting the quarantine, the Employer may claim back from the Federal Government the remuneration it has paid and the Employer's share of the statutory social security contributions for the quarantine from the district administrative authority in whose area the quarantine was imposed.

If an employer becomes subject to an access prohibition (closure) pursuant to the COVID-19 Law, the employees generally remain entitled to continued remuneration. Until now there has been legal uncertainty about the continued remuneration, but this week a law should pass which will clarify that employees are entitled to continued remuneration in case of a closure based on the COVID-19 Law. Please note that the new COVID-19 Law expressly excludes the Law on Epidemics and therefore the reimbursement by the state for employers for the continued remuneration. The employee should consider to implement other measures such as Corona-restricted working hours or home office (see below).

Can we lay people off work without pay?

No, it is not permitted to unilaterally lay employees off without pay. In this regard, alternative working arrangements should be considered such as home office or consuming vacations days might be offered to the employees.

The possibility to instruct employees to work from home (ordered home office) primarily depends on what has been agreed as the place of work in the employment contract. If, for example, "Vienna" was agreed on as the place of work, an instruction to perform work from home is generally covered by the employment contract, provided that the employee's place of residence is also in Vienna. If the place of work is more narrowly defined and e.g. only the actual office of the company is agreed, a reservation to transfer the employee may also enable the Employer to unilaterally relocate an employee to his or her place of residence as a new (temporary) place of work.

If the abovementioned agreements have not been concluded with the employee, the Employer generally cannot instruct the employee to work from home. In such cases, a home office agreement would have to be reached with the individual employee.

Another possibility is the Corona-restricted working hours: The new model can be applied for within 48 hours' notice and provides for a greater reduction in working hours than before (down to 0 hours). However, within the entire short-time working period the normal weekly working time must amount to at least 10% during. Further, employees can now receive up to 80-90% of their previous net salary. However, the full 90% reimbursement will only apply to salaries below EUR 1,700 gross. These payments are born by the AMS and not the employer. Overall the new model is more affordable for employers and less complex than the previous statutory model.

Most probably, old holiday entitlements from previous years and existing time credits must be used before the reduced working hours scheme can be used. Holiday entitlements from the current year do not have to be used up in the first 3 months of short-time work. The new short-time working model can initially be concluded for at first 3 months and might be prolonged for another 3 months. Accordingly, in such case, a vacation arrangement should first be offered to the employee concerned.

Process: The employer and employees (or if existent the works council) must first agree on the duration and extent of the short-time work. These agreements must then be submitted to the Chamber of Commerce and the Trade Union for signature, and the employer can then apply for short-time working assistance to the competent Public Employment Service within 48 hours.

The approval of both the social partners and the local labour market service (AMS) is a necessary precondition for participating in the new Corona Short-Time Work Model.

Please note that this information could change later on, as the law has just been published and all details are not clear yet.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

A healthy employee who does not have to take care of a child on an urgent basis and who is not subject to a company closure, or who does not belong to specific at-risk group based on pre-existing health issues or his or her age, or who is personally affected by quarantine measures (segregation pursuant to Section 7 or Section 17 of the Law on Epidemics), is under the obligation to work.

In general, the Employer's duty of care means that employees should not be exposed to a serious health risk. Since an employee with disabilities and lowered immunity might belong to specific at-risk group, home office should be implemented.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

The employee must immediately notify the employer about his/her infection. He/she must also inform the Employer if he/she has been put under quarantine (isolation according to § 7 and § 17 of the Epidemics Act). In case the employee breaches these obligations and refuses the administrative orders this could be qualified as a breach of duty of loyalty to the Employer and therefore constitutes a reason for immediate dismissal of the concerned employee.

If the employee is at the office, we advise to coordinate the course of action with the competent authorities. The following hotline should be called: +43 1450 (Health Hotline).

Based on the duty of care, the employer has a duty to inform employees about the risks of infection and illness, especially if the employer has specific information about such risks (e.g. because a member of the workforce has already been diagnosed with Coronavirus and this member has had contact with other members of the workforce).

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

If there is a personal reason that prevents attendance at work, such as childcare obligations, the employee is generally entitled to continued remuneration for a rather short period of time. The duration depends on the individual case (e.g. the maturity/age of the child) and is generally limited to a maximum of one week. In any case, the childcare must be necessary due to the age of the child.

In the event of a longer-term need to take care of children, the employer can grant special childcare leave of absence for a period of up to three weeks. This period is to be calculated from the day when schools and kindergartens are closed by the public health authorities. The leave of absence applies to parents who have children of up to 14 years of age. Since the closure of companies based on the COVID-19-Measures Law and schools and kindergartens will occur simultaneously, it is



Pinsent Masons

possible that the special leave of absence also applies to parents who are affected by company closures. There is no legal obligation for an employer to enter such agreement. The scheme also only applies unless the employees concerned are active in critical infrastructure sectors and do not already benefit from another leave of absence scheme. If the employer agrees to such leave of absence, one-third of the remuneration paid by the employer during such period will be reimbursed from the federal budget.

for example as an immediate measure for employees returning from high-risk areas or who are otherwise at risk of infection.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Generally speaking, unjustified absence from work without cause constitutes a breach of duty and usually qualifies as grounds for immediate dismissal. In most cases, the mere fear of the virus does not constitute a justified reason for absence from work.

However, employers should consider particular health issues and seek to sort out any misunderstandings or worries of the employees. In this regard, flexible working arrangements such as home office and unpaid leave or consuming vacation days may be offered to the concerned employees.

If we tell an employee to cancel a holiday, are we liable for the cost?

Generally speaking, an employer cannot prevent employees from going on specific trips or travel to specific risk regions. This decision falls within the protected privacy sphere of the employee. However, the employee does have a comprehensive duty of loyalty to the employer's business interests. These interests have to be weighed against the interests of the employee in each case.

In this regard, the Employer generally cannot force employees to take a leave of absence or to take unpaid days after returning from a trip to infectious regions. A unilateral instruction by the Employer to use holidays is not permitted. The consumption of holidays must always be agreed on with the employee.

If, however, an employee falls ill in a high-risk area during his or her vacation and returns sick or has to be in quarantine, the Employer could possibly claim that the employee caused the incapacity for work through gross negligence and therefore forfeited his or her right to continued remuneration. In such a case, a possible breach of fiduciary duty could also lead to claims for damages by the Employer against the affected employee.

In any event, it is possible to put employees on garden leave with immediate effect while continuing to pay their remuneration. This possibility could be used in an emergency,

Bosnia-Herzegovina

What is entitlement to state or contractual sick pay for those in self-isolation?

If self-isolation is indicated as measure by decision or another appropriate document issued by the competent epidemiologist, doctor of medicine, border sanitation inspector or ministry of health, employees are entitled to compensation as for cases of temporary inability to work (generally 80% of remuneration on the territory of Federation of Bosnia and Herzegovina; 70% of remuneration on the territory of Republic of Srpska) from employers for the first 42 days of temporary inability to work in a calendar year on the territory of Federation of Bosnia and Herzegovina, and for the first 30 days of temporary inability to work on the territory of Republic of Srpska; and after the expiry of these periods from the competent health insurance office). In these cases, salary compensations for temporary inability to work paid by employers could be reimbursed by the competent health insurance office, upon submission of refund requests.

If self-isolation is indicated by employers in cases of potential voluntary closure of business by employers, the entitlement to any potential salary compensation depends on the type of leave of absence used by employees (i.e. 100% of remuneration for annual leave and paid leave; no remunerations in case of unpaid leave; 50% of remuneration for interruptions of work due to circumstances for which employees are not liable for the territory of Republic of Srpska, whereas on the territory of FBiH, the amount is determined by the internal acts of employers, employment agreements or by collective agreements, etc.), in which case these would be paid at the expense of employers.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

In general, employees would be entitled to potential salary compensations depending on the type of leave of absence they would use (i.e. annual leave, paid or unpaid leave, interruptions of work due to circumstances for which employees are not liable, etc.).

Can we lay people off work without pay?

As a general rule, employees cannot be laid off work without pay. In cases where employees are instructed by employers not to come to work, they would be entitled to compensation depending on the type of leave of absence used (as indicated above).

Alternatively, if employees are placed on unpaid leave, upon the employees' written request and their consent, their employment rights and obligations would be suspended for the duration of unpaid leave, and they would not receive any salary, nor would their contributions be paid.

If considering permanent lay off of employees - it is not permitted to terminate employment agreements concluded for indefinite period of time and after two (2) years of uninterrupted work with employers due to redundancy without

paying a severance pay and the obligation of providing a statutory notice period.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Even though remote work from home is not regulated by applicable laws on the territory of Bosnia and Herzegovina, further to recommendations from competent authorities, employers may allow their employees to work from home, if work duties of their work place allow them to do so.

If work from home is not feasible due to the nature of the workplace, employers should consider the possibility of enabling their employees the use of leave of absence, such as the use of annual leave, paid or unpaid leave.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

Any action of employees which would involve refusal to follow medical advice and "self-isolate" could be considered as a severe violation of work duties and obligations, as these employees would be acting contrary to determined measures for safety at work, due to which the employment of such employees could be terminated.

In cases of severe violation of work duties and obligations, employers would be obliged to conduct disciplinary proceedings, for the duration of which employees could be placed on suspension. It should be noted that suspension is regulated by applicable laws for the territory of Republic of Srpska; however on the territory of Federation of Bosnia and Herzegovina, suspension would be possible if it is anticipated as such in employment rulebooks or other internal documents of employers.

In any case, should employees refuse to follow medical advice and "self-isolate", employers should notify competent authority.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Current recommendations from competent authorities indicate that in cases where one parent is working, the other parent should be enabled to stay of work and look after their child.

In these events, employers should listen to concerns of employees and seek to resolve these issues amicably and mutually. Employees could be offered to either use their annual leave or paid or unpaid leave, depending on the possibilities provided by employers' internal regulations.

If employees fail to act in accordance with reasonable instructions to attend work, these cases could be disciplined and sanctioned.



What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Even though remote work from home is not regulated by applicable laws on the territory of Bosnia and Herzegovina, further to recommendations from competent authorities, employers may allow their employees to work from home, if work duties of their work place allow them to do so.

If work from home is not feasible due to the nature of the workplace, employers are advised to re-organize the work process in order to avoid having all employees at work at once (e.g. implementing shifts, splitting workspaces, etc.)

Additionally, employers should consider the possibility of enabling their employees the use of leave of absence, such as the use of annual leave, paid or unpaid leave.

If we tell an employee to cancel a holiday, are we liable for the cost?

In principle, employees' private travel cannot be unilaterally restricted or checked. In that regard, employers may advise employees not to travel. If employees would cancel their trip as a consequence of employers' advice in these situations, it is not likely that the employer would be liable for reimbursing any costs employee has had due to the cancellation of their trip.

Moreover, employees would be obliged to take all prescribed mandatory measures provided by law before travelling to and after coming from an 'at risk' area, i.e. to self-isolate for 14 days.

Currently, the Council of Ministers of Bosnia and Herzegovina has declared a state of emergency, limiting travel to 'at risk' areas. Closing borders is also a viable option in future.

Bulgaria

What is entitlement to state or contractual sick pay for those in self-isolation?

Employees in self-isolation are not entitled to state sick pay. Only employees who are diagnosed or put under mandatory quarantine by the health authorities are entitled to sick leave compensation by the state.

Employees would be entitled to contractual sick pay for self-isolation only if such arrangements are explicitly provided in the individual employment agreement or the internal rules of the employer.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

The employer can offer the affected employees to perform other work (in accordance with their professional qualification and health condition) or use their paid/unpaid leave for the period during which the client site is closed. However, both measures require the consent of the employees.

Alternatively, the employer can declare "idle" (in Bulgarian: *престой*) for the unit/department of the affected employees. In order for idle to be declared, the work shall be completely seized and all affected employees (within the particular unit/department) should have absolutely no work to perform.

Once idle is declared, the employer is entitled to unilaterally implement the following measures towards the affected employees:

- To assign other work to the employees; or
- To order all affected employee to use their paid leave - the employer can do this after the 5th day of the declared idle; or
- To terminate some or all of the affected employees after the 15th day of the idle.

Can we lay people off work without pay?

No. As a rule, employers are not allowed to lay off from work employees without pay. In the COVID-19 situation, if employees are sent home without order by the health authorities but under the sole decision of the employer, they will be entitled to full wage.

In exceptional cases, where individual employees are in a (health) condition, which does not allow them to work (e.g. fever, faintness, etc.), the employer has the right to send such employees home until they recover and are fit to perform their work.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Yes. The Bulgarian Labour Inspectorate has issued recommendations for all employers to suggest and agree with

employees for work from home – but with priority for employees with disabilities and lowered immunity. If work from home is not possible, these employees shall be treated with extra care (e.g. stricter hygiene measures at the work site, moved to separate rooms apart from the other employees, etc.)

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

In some cases. Employers are generally not entitled to unilaterally send the employees in "self-isolation". However, if an employee was ordered to stay home by the health authorities or his/her attending physician, the employer would have the right and the strict obligation not to allow such employee to his/her workplace. Moreover, the latter case employer's officials (HR, managers) as well as the employee in quarantine will bear criminal liability and fine for non-compliance with the health authorities' orders.

The employee can also be suspended from work in case his/her (health) condition impedes him/her from performing the assigned work (see question above).

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Employees are entitled to sick leave for taking care of a child if the child's school/kindergarten is closed due to quarantine. The first 3 days of the sick leave are paid by the employer and the rest – by the National Health Insurance Fund. Currently in Bulgaria, all schools and kindergartens are closed with an order by the Minister of Health, but are not put under quarantine. Thus, it would depend on the situation in the particular school/kindergarten if this leave may be used by the employees.

Apart from the above, employees may negotiate the usage of paid/unpaid leave with the employer.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Pursuant to the recommendations issued by the Labour Inspectorate, all employers should offer and try to agree with their employees (including employees with no health or immunity issues) to work-from-home. The current regime imposed that work from home shall be agreed with an annex between the employer and the employee. However, there is a pending draft bill in the Parliament that would allow in the cases of emergency situation (as currently declared in Bulgaria), the employer to unilaterally order employees to work from home.

In the organizations where work-from-home is not feasible, employers are advised to re-organize the work process in order to avoid having all employees at work at once (e.g. implementing shifts, splitting work-spaces, etc.). Additional



arrangements can also be agreed between the employer and employee, such as the use of paid/unpaid leave.

If we tell an employee to cancel a holiday, are we liable for the cost?

The personal travels of employees cannot be unilaterally restricted or limited by orders of the employer. The latter can advise and recommend to the employees to cancel any upcoming holidays, but would not bear the costs for cancelled trips.

Currently, in Bulgaria all travels with touristic purpose are prohibited with order of the Minister of Tourism. In addition, the Bulgarian Ministry of External Affairs has banned travels to Bulgaria from certain high-risk countries (e.g. Italy, Spain, China, France, etc.) and has put all arriving Bulgarian citizens or residents from these countries to a mandatory quarantine.

Croatia

What is entitlement to state or contractual sick pay for those in self-isolation?

In Croatia, there is a difference between sick leave/pay in case of:

- (i) doctor-mandated isolation/quarantine due to suspicion of infection: compensation is paid from the 1st day of the isolation at the expense of the Croatian Health Insurance Fund ("HZZO") up to the maximum amount of HR 4,257.25 (approx. EUR 570), and
- (ii) actual illness/employee suffering from coronavirus: regular rules on compensation for sick leave apply (generally, for the first 42 days of the sick-leave payment/compensation is at the expense of the employer and after that, at the expense of HZZO).

In case of regular sick leave at the expense of the employer, minimum statutory compensation amounts to 70% of the compensation base (the average salary paid out to the employee within the previous 6 months before the beginning of the sick leave). Company's internal rules or employment agreements currently in place may provide for a higher compensation.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

Under Croatian law, in case an employee is not able to perform his/her work due to circumstances for which he/she is not responsible, he/she is entitled to a salary compensation for such period of time. The amount of the salary compensation corresponds to the salary average paid out in the previous three months.

The Company may of course assign other work tasks to the employee, provided that these meet his/her work place (work tasks) description, as set out in the respective employment agreement.

Can we lay people off work without pay?

No. In general, it is possible to agree an unpaid leave with the employees, but only with the employee's consent.

During the unpaid leave, the rights and obligations arising out of the employment relationship stand still, i.e. the employee is not obliged to work and the employer is not obliged to pay the salary.

However, the period spent on unpaid leave is calculated into the duration of the employment relationship and needs to be taken into consideration in case the employee has any rights based on the duration of his/her employment (e.g. severance payment, jubilee or other long-service benefits).

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Yes. The Company should listen to concerns and seek to resolve issues if possible. If an employee has a particular health issue, this should be taken into consideration. Annual leave or flexible working arrangements, such as work from home, should be offered (depending on business needs, job responsibilities and other factors).

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

Employers may reasonably request employees to follow the recommendation of authorities and to undergo medical tests as recommended by authorities. However, the employer himself has no additional rights to check the health of an employee.

According to Croatian law, the employee is obliged to notify the employer of illness or other circumstance preventing him/her or significantly hindering him/her in execution of employment obligations, or threatening the life or health of persons the employee comes into contact during the execution of employment obligations.

Pursuant to the guidelines of the Croatian Institute of Public Health regarding COVID-19, if the person suspects contact with the source of coronavirus and /or experiences signs of infection (cough, breathing difficulties or high temperature), they must inform a work safety expert or other responsible person for the purpose of implementing health protection measures for other employees, and seek medical help by informing their family doctor or resident epidemiologist.

In case an employee does not comply with the above procedure and the Company suspects a COVID-19 infection, it should inform the competent authorities and restrict access to the Company's business premises as a protective measure for the remaining employees.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

It is primarily the employee's responsibility to arrange childcare.

However, given the current extraordinary circumstances, the Company should listen to employee's concerns and seek to resolve issues if possible. Thus, if an employee has a particular private issue such as inability to arrange childcare as a result of school shutdown, such issue should be taken into consideration and flexible working arrangements, such as work from home, could be offered. Alternatively, if working from home arrangement is not possible, the employer may also consider offering annual leave, paid or unpaid leave.



What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

In general, fear for the health of family members does not affect the employee's work obligations.

However, in this situation the Company should show flexibility with the working arrangements. For more details, please see our answer above.

If we tell an employee to cancel a holiday, are we liable for the cost?

In general, the employer determines the vacation schedule and is entitled to amend the previously agreed schedule.

There is no statutory provision that would regulate cancellation of granted vacation on a short notice. We would advise to resolve such situations on an individual basis and in agreement with the employee in question.

Czech Republic

What is entitlement to state or contractual sick pay for those in self-isolation?

Employees who are absent from work due to a quarantine ordered by the Regional Public Health Authority or based on the Government measures are not required to perform any work (unless they have agreed to work from home) and are entitled to statutory sick pay, as follows: a) for the first 14 days of sickness, the employee will receive sick pay from the employer equal to 60% of the employee's average salary; b) starting the 15th day of sickness, sick pay will be paid to the employee by the Czech Social Security Authority.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

- When a business is closed or suspended due to the restrictions imposed by the Government, employees are generally entitled to their usual salary, unless the employer:
- Reaches agreement with the employee for the latter to take annual leave;
- Orders the employee to take annual leave (in this case, the employer must notify the employee of this measure at least 14 days in advance, unless a shorter period has been agreed with the employee or stipulated in the internal policies or collective bargaining agreements);
- Adopts an internal regulation temporarily suspending employment where there is a temporary decline in sales and services and decides to reduce salaries up to 60% of employees' average salary. This is a unilateral act by the employer and does not require the employees' consent, although they must, of course, be duly acquainted with the internal regulation adopted. Where there is a Trade Union in place, however, agreement must be reached with the Trade Union to reduce salaries. This process will be available to employers in most sectors (other than e.g. hospital or essential infrastructure).

Where companies voluntarily decide to shut down their business for a temporary period, they must pay their employees their usual salary, unless they have agreed/ordered their employees to work from home or take leave. If an employee wishes to self-quarantine, then annual leave, unpaid leave or work from home may also be offered.

Can we lay people off work without pay?

Generally, no. When employees are dismissed due to their redundancy, they are entitled to statutory severance pay and two-month notice period must be observed. The notice period is not required to be taken into account where the employer enters into the termination agreement with the employee. However, employees will still be entitled to statutory severance payments if redundancy is the ground for termination.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

If possible, yes. Due to the restrictions of the Government, many companies have been forced to suspend or temporarily close their business. It is not yet compulsory to close offices/production sites and employees are not forbidden from attending work. According to the Government's recommendations, employees should be allowed to work from home where possible and most companies in the Czech Republic are complying with this recommendation. Generally, unless the Government forbids it, an employee cannot refuse to attend the work due to a fear of coronavirus, otherwise they can be disciplined. However, employers should listen to concerns and seek to resolve issues where possible. Annual leave, unpaid leave and flexible working arrangements should be offered. Where employees are still attending offices/manufacturing sites, employers should be taking measures to protect employees' health and safety.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

If an employee has been ordered quarantine by the Regional Public Health Authority, he/she is required to self-isolate and there are significant fines for failure to observe the quarantine. Furthermore, with effect from 13 March 2020, the Government has imposed mandatory statutory quarantine for people who have recently returned from specific countries, currently being Austria, Belgium, China, Denmark, Germany, Great Britain, Greece, Iran, Italy, France, Spain, Switzerland, Norway, Netherlands, Sweden and Japan. However, where companies wish voluntarily self-isolate some of their employees without the mandatory quarantine imposed, they must pay their employees their usual salary, unless they have agreed/ordered their employees to work from home or take leave. If

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Where employees cannot work because they must take care of a child below the age of 10 due to a school shutdown or other unforeseen event or due to their child being ordered into quarantine, they will be excused from their work and will be entitled to nursing benefit as part of their social security insurance. This means that they will not be paid by their employer, and therefore there will be no additional costs for the employer (usual salary will not need to be paid during this period). The nursing benefit is currently provided for 9 days (16 days for single parents), although the Government is in discussions on prolonging this entitlement. Employees must inform their employer about this impediment to work and provide the employer with the relevant confirmation.



What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

As mentioned above, unless the Government forbids it, an employee cannot refuse to attend the work due to a fear of coronavirus, otherwise they can be disciplined. However, employers should listen to concerns and seek to resolve issues where possible. Annual leave, unpaid leave and flexible working arrangements should be offered.

If we tell an employee to cancel a holiday, are we liable for the cost?

Under the Czech Labour Code, the employer is required to reimburse the employee for the costs related with the cancellation of the booked holiday or for the costs in connection with the early return from the holiday at the employer's request, under the assumption that the employee's leave has been duly approved by the employer. However, given the fact that at the moment most of the holidays are cancelled due to the travel restrictions directly by travel agencies or airlines, we do not find it as a significant issue.

Denmark

What is entitlement to state or contractual sick pay for those in self-isolation?

If the employee is covered by the Danish Salaried Act or a collective bargaining agreement the employees are commonly entitled to sick pay.

However, being in self-isolation as a general rule does not fall under the term 'sickness' after Danish employment law if the employee is/was not infected with the COVID-19 or otherwise sick.

If the employee chooses to self-isolate out of fear from getting infected it could under certain circumstances pose a material breach in form of unjustified absence. That is unless the employee's attendance would entail a concrete medical risk for the employee getting infected (e.g. if the company has experienced an outbreak of the virus).

If the isolation is imposed by national or local authority the absence would not be unjustified, however, sick pay would depend on the employee de facto being infected or sick in other ways.

If an employer pays salary during sickness, the employer will be entitled to a partly refund from the municipality.

The Danish government is as a new initiative providing wage-compensation to private companies that send workers home with pay if the companies would otherwise terminate 30 % of employment contracts or more than 50 employment contracts. The compensation will make up 75% of the salary (max DKK 23,000) for salaried employees and 90% of the salary (max DKK 26,000) for hourly-paid workers if the company in exchange does not terminate the employments. In exchange, the employee must use 5 holidays (or accept 5 days with no pay if the employee has no holidays left).

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

If a company closes a site by choice the company will have to pay the workers their usual salary. However, there are several financial precautions a company can take to reduce costs:

The company may – if necessary due to the company's financial circumstances – terminate employees with their individual notice periods as long as there is a proven shortage of work with no immediate prospect of change, also cf. question 1 on wage-compensation.

The company may – under the same circumstances as applicable for terminations – give notice that employees will receive fewer working hours and consequently less salary. As this would be a material change of their existing terms, the notice of the change would have to correspond with the individual notice.

It is possible to make such an agreement collectively with the employees or the labor union without following the individual notice period to avoid terminations. The agreement then must be reported to relevant authorities.

The company may – in respect of the rules reflected in the Danish Holiday Act – request that employees use saved up vacation.

Can we lay people off work without pay?

As a general point, no.

However, if a site, park, etc. is closed by local or national authorities and put under quarantine, one may argue that this constitutes such a severe situation that it would qualify as a force majeure event within the meaning of Danish employment law.

In such a situation it might be possible for the company to send home the employees paid by the hour without being under an obligation to pay salary to the effected employees as long as the quarantine is in force.

The reason why we are not able to make a final determination on this point is due to the fact that the present situation is quite unprecedented and there seems not to be any case law which could provide guidance as to how the Danish Courts would treat such a situation.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

An employer is obligated to ensure a safe working environment for all employees. However, unless the employee (rightfully) fears for his life and health the employee cannot refuse coming to work.

As a general rule, if working from home is possible without disproportionate effort and this would significantly decrease the disabled employee's risk of getting infected it would be advised from a work environment point of view to allow working from home.

What course of action we would take if someone refused to follow medical advice and 'self isolate'? Can we suspend them?

As part of the employer's managerial authority, the employer is entitled to order employees not to report for work at the office for a limited period. This would be relevant if the employee is instructed by authorities to self-isolate or is returning from high risk countries. In regard to pay, see question 1.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Employees are – as a main rule – responsible for finding care for their children. Consequently, employees are required to find



alternative care for the child(ren) while the kindergartens and schools are closed.

However, the employer and the employee may agree that the employee is entitled to work from home, take time off in lieu or take holiday during the period of which the kindergartens and schools are closed.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

The responsibility to keep distance to vulnerable individuals lies with the employee, cf. also the answer above.

If we tell an employee to cancel a holiday, are we liable for the cost?

Where necessary for significant, unforeseeable operational reasons, the employer may postpone already planned holiday. The employee is entitled to compensation for any financial loss suffered as a result of such postponement. Holiday which has already begun cannot be disrupted.

France

What are the solutions available to employers to organize the company ahead of current and future measures related to the Covid-19 pandemic?

The great difficulty of the current situation is the uncertainty we are experiencing. Of course, we have reference texts in the French labour code but none of them have been thought up for such a crisis, which is fortunately unprecedented. Moreover, every day the government is taking measures with almost immediate effect, which call into question the direct application of these texts. For example, this has been the case with the closure of businesses and it will be even more so with containment. Finally, the circumstances are very complex. They are often specific to businesses and even to individuals. Nevertheless, we can look at the employer's and the employee's action in order to adapt to the situation: it means homeworking, sick leave, partial reductions of the activity and the right of withdrawal.

Homeworking: Can it be imposed by the employer? Can the employee ask for it, or on the contrary refuse it?

The health emergency situation makes homeworking almost the only way to work for a large number of companies. Even if it is far from being a universal remedy since in particular the food services, the hotel industry, the tourism sector, the industry sector and its factories cannot benefit from it. Nevertheless, a part of the economy can continue using it. However, the right of homeworking was created in order to obtain more flexibility and not to manage a health risk such as the one we are currently exposed to.

Theoretically, homeworking is set up within the framework of a collective agreement with the social partners in order to discuss the limits of it or by an agreement between the employee and the employer. For example, homeworking requires the company to provide its employees with all the means to work remotely, such as connection tools, to cover part of the costs, etc. The agreement must also normally provide for measures to avoid the isolation of the employee. It also defines the number of homeworking days per week or month, etc. However, homeworking has not been thought to last several weeks of remote organization. Even if, in principle, the employees cannot refuse to homework when it is set up within the Company, there is no obligation for the employer to use it.

With the Covid-19 crisis, companies must implement the measures dictated by the French government. While homeworking has not been imposed by the government, it is strongly recommended. It will no doubt be even more significant with containment. However, there are still cases where employees would like to homework because of fear of travelling, fear of falling ill, or to look after their children for example, but the employer refuses. In this case, employees have several options, the first of which is sick leave for some of them.

What are the new conditions, linked to the pandemic, for sick leave? In which cases do they apply?

An exceptional derogatory measure has removed the medical obligation and the waiting period for parents who have to look after their children. If an employee has to homework but is not eligible because of his or her job or if the employer does not want the employee to homework, the employee can ask for a specific sick leave. In this situation, there is no need for the employee to go and see a doctor, it is the obligation of the employer to declare the sick leave directly (on the Ameli website set up for this purpose). Employees must provide a sworn statement attesting their situation. This also applies to parents (only one of the two parents) with children under 16 years old who are obliged to homework in order to look after them. This has been the case for most parents since the announcement by the President of the French Republic on 12 March about closure of all schools.

If a sick note is not possible, what about the employee's right of withdrawal? Can any employee invoke it and what are the consequences for the company?

If the employer does not want the employee to homework, whereas his or her job and equipment allow him or her to do so, and if the employee feels that he or she is putting his or her health at risk, then the last resort is to withdraw from the game and leave the company by invoking the right of withdrawal. In this case, the employer has no say in the matter. This will eventually be settled before the Employment Tribunal. The employee is the sole master of the measure of the risk he or she is taken.

What is very important to understand for an HRD is that the employee is responsible for his or her own risk assessment. He does not have to prove that the risk exists in the first place. He decides to exercise his or her right of withdrawal in order to no longer take this risk. At first sight, this is an absolute right. No sanction can be taken against the employee without affecting existing legislation. If, retrospectively, the employer considers that it was not so serious, it is up to him to refer the matter to the Employment Tribunal by applying the theory of abuse of rights. However, in the current situation and with the likely containment, it is quite difficult to see how the action of the employer could be recognised as justified.

An employee may request sick leave or use his or her right of withdrawal. What about the company's use of partial or total reductions of the activity, formerly known as short-time working?

A partial reduction of the activity is a collective measure that the employer can use when he is not able to ensure a sufficient level of activity or cannot pay salaries. In this way, he avoids a dismissal procedure; he does not break employment contracts, but considers that the employees must temporarily stop working. The employer can also keep them on a part-time basis. In the reference text, a partial reduction of the activity is compensated up to the amount of the minimum wage by the employer. The employee then receives 70% of his or her gross monthly salary, representing 84% of his or her net salary. The State covers the rest up to the amount of the minimum wage,



through Pôle Emploi. With the Covid-19 crisis, the amount of the remunerations remain the same, however the government has decided that the State will cover the entire remuneration. The scheme always protects the employee, but also the employer in this unclear period.

The general principle remains the same; however the employer is no longer forced to make a request to the State by filing a file. The procedure is restricted and accelerated, more simply and quickly accessible directly online. The approach has been adapted to the current crisis situation but will not be definitively enshrined in law. Homeworking, sick leave, partial reductions of the activity and right of withdrawal: the legal arsenal available in the current crisis stops there.

What about leave? Can an employer impose taking leave during the containment period?

In principle, leave are taken as a result of an agreement between the employee and the employer. First of all, with a likely 45-day-containment period, there are not enough leave available. Moreover, it is less interesting for the company than a partial reduction of the activity since taking leave does not exempt the employee from paying wages.

Should employers anticipate measures for the recovery of the activity of the company in its usual conditions after containment?

There is one measure that is not talked about very much because it is never applied: the recovery of lost working hours. It applies in the event of a collective interruption of work resulting from, among other things, accidental causes, bad weather or force majeure. It allows employees to be asked to work more to recover hours not worked without compensating them as overtime. Perhaps, the scheme could be used punctually when companies will recover.

Germany

What is entitlement to state or contractual sick pay for those in self-isolation?

In Germany there are currently no publications concerning increased or extended sickness benefit payments.

Currently, the basic regulations still apply - irrespective of the coronavirus - that employees continue to be paid for up to 6 weeks of inability to work. If the inability to work continues after 6 weeks, employees receive sickness benefit from the health insurance.

If the employee is self-isolating at the employer's request e.g. to protect others' health and safety, the employee would be entitled to full pay, unless the employer was contractually (in writing or due to custom and practice) entitled to place the employee on unpaid lay-off or some other arrangement was agreed with the employee.

In principle, the employee is obliged to perform his or her work, unless he or she is prevented from doing so by reason of incapacity to work, the employer's wish or an official order. Of course an arrangement like in ROI is also possible.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

Very similar to UK and ROI. Moving employees elsewhere is actually not an urgent question with the exception of systemically important professions. Constructive solutions should be found with these staff to maintain public order.

As in UK and ROI. Immigration is currently prohibited also within the EU in general, the borders are closed. Daily commuters may still cross borders to get to work as long as they are irreplaceable.

As in the UK and ROI all alternatives must be used before unpaid lay-off. .

Can we lay people off work without pay?

There are various regulations that take precedence over unpaid leave. In particular, the employee must first be given paid time off, provided there is a legal basis for this.

Particular focus is currently on the short-time working allowance, which is to be applied with priority over unpaid leave. Companies which want to apply for the short-time allowance must first notify the local Employment Agency (Agentur für Arbeit) about the short-time work.

The local Employment Agency examines whether the conditions for granting the short-time allowance are met on a case-by-case basis.

The short-time allowance can be granted for up to twelve months. The Government is authorized to extend this period up

to 24 months. Short-time allowance is paid at the same level as unemployment benefit and compensates for 60 per cent (or 67 per cent with a child) of the net pay lost as a result of the short-time work.

If the coronavirus causes supply bottlenecks or if the authorities order closures, forcing companies to limit or stop production, this can lead to an entitlement to the short-time allowance for the employees affected. Short-time work to zero is also possible under certain conditions. Due to the corona crisis, the German government has currently massively expanded the possibilities for short-time work allowances in order to keep employees in the job and avoid unpaid leave or redundancies.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

As a general note re. commuting to work, the following is to say:

If an employee's workplace is open, but he or she is unable to get there or afraid to get there and cannot perform his or her work as a result, the employee has no statutory entitlement to receive his or her agreed wages, in principle. This is because employees bear the risk concerning their ability to get to work.

However, with regard to employees with disabilities (and lowered immunity) the same as in UK applies.

What course of action we would take if someone refused to follow medical advice and 'self isolate'? Can we suspend them?

As in UK.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

As in ROI, schools and day nurseries have been closed in Germany and therefore many employers are considering flexible work arrangements where an employee has a dependent child whose school/day nursery has closed and the employee wants to work from home (rather than taking leave). Employers should ensure a standard approach, rather than allowing managers to make team-by-team decisions which could lead to dissatisfaction and unfairness.

The Federal Ministry of Labour and Social Affairs is calling on all employers to work with the affected employees to agree on pragmatic solutions (e.g. working from home, creative working time models, use of holiday leave and working time accounts, etc.) which take into account families' needs and enable organisations and facilities to keep functioning.

From a legal point of view, the following applies:



If children are too young to be left on their own when a child day care centre or school is closed, the parents must initially make all reasonable efforts to find an alternative (for example, it may be possible for one parent to look after the children). If the necessary childcare cannot be arranged, an employee normally has the right to refuse to work as he or she can probably not reasonably be required to work (Section 275 (3) of the Civil Code). This means that in these circumstances the employee is released from his or her obligation to work; it is not strictly necessary to take holiday leave for the employee.

However, when an employee has the right to refuse to work on personal grounds, he or she is only entitled to continue to be paid in very specific circumstances. Such an entitlement can exist, under Section 616 of the Civil Code, if the absence is for a relatively trivial period of time. It should be noted that this entitlement under Section 616 of the Civil Code can be limited or completely ruled out by the provisions of an employment contract or a collective agreement. Therefore, review is required before taking any action.

If the employee takes holiday leave, he or she receives holiday pay.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

As in UK.

If we tell an employee to cancel a holiday, are we liable for the cost?

As in UK.

Hungary

What is entitlement to state or contractual sick pay for those in self-isolation?

I) **Quarantine ordered by the competent authority/ doctor in Hungary for the employee** (quarantine without being ill): irrespectively if ordered during the downtime (as mentioned below) or before, the employee would not be entitled to his/ her wages, but he/ she would qualify as "unfit for work" and would be entitled to sick pay (without entitlement for sick leave) paid by the social security system.

II) **If the employee becomes ill:**

he/ she would be entitled to sick leave (generally the annual entitlement is 15 working days), and for that time he/ she would be entitled to 70% of the absentee pay paid by the employer. Following that the annual entitlement expired the employee would be entitled to sick pay.

III) **Voluntarily ordered quarantine:**

If it is the employee who intends to stay in self-isolation based on his/her own decision, upon the employer's prior permit - unless otherwise agreed - he/ she can do so without payment for that time.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

Two scenarios must be distinguished:

I) **Quarantine ordered by the employer/ closure of workplace by the employer** (i.e. the latter ordered by the employer for prevention purposes):

(i) **employees able to perform their work from home** could be ordered (a) for a definite term or (b) without time limitation, depending on the background at the employer, and they would be entitled for their wages under the employment agreement;

(ii) **employees not able to perform their work from home** due to the nature of the job position would be

(a) on "downtime" and for that period they would be entitled to their base wage,

(b) or *(only in case of voluntarily ordered quarantine for the given employee returning e.g. from a high-risk ranked foreign country)* - upon the parties agreement - the employee would stay at home for a compensation agreed by the parties (or without compensation, but that is very unlikely).

II. **Closure of workplace ordered by the competent authority in Hungary:** as that would very likely qualify as unavoidable external reason on the employer's side, the employees would be on downtime, but they would not be entitled to their wages, unless the employee would perform his/ her tasks as detailed in point I. (i) above.

Can we lay people off work without pay?

No.

Even if the reason of termination would be related to the current, unexpected epidemic situation the general rules of termination (i.e. justifying the termination, which would be in this case related to the employer's operation) must apply, including notice period, severance payment (if any), etc.

We also note that unpaid leave cannot be scheduled unilaterally by the employer.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Provided that the nature of the job position renders it possible to perform the relating tasks remotely, from home, yes, it would be highly advisable to allow them (based on the parties' agreement) to work from home, or - for a limited period of time - order it unilaterally by the employer's decision, thus strengthening the employer's position as well from the compliance with health and work safety obligations point of view.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

Yes.

If the employee is order to "self-isolate" at home, and he/she is not granted with other position (and he/she is no able to perform his/her work from home), that means that he/she is considered as unfit for work. The employee cannot work during that period.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

The employee can apply for the scheduling of vacation or unpaid leave.

There are special deadlines for application (i.e. latest 15 days prior to the planned date of commencement of the leave), but the employer can allow to the employee to go to vacation or to unpaid leave even if that precondition is not met.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Please see the answer above, relating to employees with disabilities and lowered immunity.

Please, also see the answer given in connection with the quarantine requested voluntarily by the employee.



If we tell an employee to cancel a holiday, are we liable for the cost?

Firstly, we note that – generally, apart from 7 working days in a calendar year – it is the employer who schedules the vacation. Accordingly, it is also allowed to not schedule the requested vacation.

However, in case of scheduled vacation generally, yes, employers shall reimburse the employees for any damages and expenses incurred in connection with the modification or interruption of vacation.

Modification or interruption is allowed if (one of) the precondition(s) (i.e. in the event of economic reasons of particular importance, or any direct and consequential reason arising in connection with the employer's operations) is met.

Italy

What is entitlement to state or contractual sick pay for those in self-isolation?

First of all, a distinction between mandatory self-isolation and voluntary self-isolation shall be made.

In particular, under Italian law, a self-isolation is mandatory:

- for anyone who have Covid-19;
- following to a contact with people affected by Covid-19;
- in presence of personal symptoms such as temperature, flu, etc..

Under Italian law, in case of mandatory self-isolation, the employee who shall not in any case work, could ask his/her doctor to be issued a medical certificate.

In presence of a medical certificate, the employee will be considered in sick leave (14 days for those who does not have symptoms), and he/she will be granted his normal gross salary in full (to be partially borne by the social security national body – INPS and partially by the employer, depending on the duration of the illness).

This is not a specific regulation related to Coronavirus emergency: indeed, under Italian law, in any case of illness related absence, the social security national body intervene in order to grant a full salary to the sick employee.

On the other hand, should an employee choose to self-isolate without this being mandatory (i.e. in case of voluntary self-isolation), and without the chance to work from home, he/she cannot be issued a medical certificate and, therefore, he/she cannot be considered in sick leave.

In this respect, the employee could:

- ask to use his/her unused accrued holiday;
- ask to use other contractual and/or eventually agreed paid and/or unpaid leave.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

As a general remark, under Italian law, the following activities shall be locked down:

- Museums, gyms, sports centres and ski resorts;
- Services related activities (hairdressers, beauticians, etc.);
- Bar / restaurants;
- Commercial activities in general (except for, in particular, shops selling groceries and other goods for basic needs, pharmacies, laundries and banking / insurance services).

With reference to the other activities, they can be carried out but with certain limitation and in compliance with any hygienic,

security and health related measures (e.g. one-meter distance, usage of masks and other protective disposals).

In case of shut down of an activity and or of a premises, the measure currently available are the following:

- In case the job can be carried out from home, everybody should be allowed to work from home in a so-called smart working modality;
- In case the job cannot be carried out from home, the employer could ask the employee – at this stage it would be better in presence of an agreement with the latter – to use the accrued and unused holidays.

Pursuant to Law Decree no. 18/2020 those employers who have been forced to lockdown and/or reduce their activities as a consequence of Coronavirus emergency, could access to certain state-salary support instruments (such as *Cassa Integrazione Guadagni*) to be obtained by means of simplified procedures.

Please also consider that the above mentioned Decree also includes a provision according to which all the redundancies (both collective and individuals, other than dismissal for subjective and disciplinary reasons) are suspended and/or prevented for 60 days starting from the effectiveness of the Law Decree.

Can we lay people off work without pay?

No.

Under Italian law, as of 18 March 2020, it is not possible to lay people off at home without paying them, without an agreement (which inter alia should be confirmed before a competent committee since it would relate to a waiver to a statutory law provision). Also, all redundancy-related procedures – as well as individual dismissals for economic reasons - are prevented and/or suspended for 60 days (starting from today) due to the Covid-19 emergency.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Similar to UK.

All the employers are bound to grant and maintain with respect to all its employees a healthy and safe environment at workplace – regardless of Coronavirus related emergency: all the more so if in presence of such an emergency and if in respect to disabled employees.

Should the disabled workers be able to carry out their activities from home, it would be necessary to allow them to work from home as well as any other employee. The disabled employees shall have a precedence to be allowed to work from home.



Pinsent Masons

In this respect, please consider that, on March 14, 2020, a shared regulatory protocol for the containment of COVID-19 has been executed by Confindustria, Confapi, Confartigianato and CGIL - CISL – UIL – Italian trade unions and employers' representatives (the "Protocol").

According to the Protocol, the smart working became (mandatorily for those employers who are enrolled within Confindustria) the main way of perform the working activities both for disabled and for non-disabled employees.

What course of action we would take if someone refused to follow medical advice and 'self isolate'? Can we suspend them?

Similar to UK.

In presence of a medical advice which impose a self-isolation, it is surely possible to suspend the employee until the

Moreover, please consider that, according to the Protocol, the employer is bound to take several actions in order to prevent the contagion at workplace, including the obligation to inform all employees and anyone who enters the sites about the provisions of the Authorities. The information inter alia must concern:

- the obligation to stay at home in the presence of fever (over 37.5 °) or other flu symptoms and to call your family doctor and health authority;
- ban on accessing or staying in the company's premises for those who in the last 14 days have had contacts with subjects that have been resulted positive for COVID-19 or come from risk areas according to WHO indications, or if the dangerous conditions referred above exist (e.g. symptoms of flu, temperature over 37.5, origin from areas at risk or contact with people positive to the virus in the previous 14 days, etc.) and obligation to declare it if the above conditions occur after entry.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Pursuant to Law Decree 18/2020 parents are granted with the chance to ask a 15-day parental leave (*congedo parentale* grounded by Covid-19 related reasons) and to be paid 50% of their gross salary.

Alternatively, a 600 EUR bonus for baby-sitting related services could be requested by those parents who chose not to use the parental leave.

As at today, in the lack of the above, the same provisions applied to employees who choose to self-isolate, would apply.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Similar to UK.

In case of voluntary self-isolation, the provisions above would be applicable also in this respect, as well as the smart working related indications.

If we tell an employee to cancel a holiday, are we liable for the cost?

Usually national collective bargaining agreements regulates these aspects. Therefore, it would depend on the NCBA applied by each employer.

In particular, pursuant to certain NCBA, the employer – where organizational and productive related exigencies exist and can be proved – is allowed to ask its employees to cancel their holidays, bearing any related lost expenses in this respect.

However, given that as at today any movement on the Italian territory is strongly limited (i.e. any movement of individuals entering to and leaving from the whole Italian territory, and within it are fully banned except for proven working-related reasons, situation of need and health related reasons), it is unlikely that the cancellation of a holiday depends on an employer decision and, thus, the employer is unlikely to be directly liable for any holiday related cancelation.

Poland

What is entitlement to state or contractual sick pay for those in self-isolation?

Employees who are absent from work due to a mandatory quarantine ordered by the state sanitary inspector or state border sanitary inspector are not obliged to work and have the right to receive sick remuneration (generally 80% of remuneration) from the employer for the first 33 days of sickness in a calendar year (or 14 days of sickness in case of employees who are over 50 years old). From the 34th day (or from the 15th day of sickness in the case of employees older than 50) employees are eligible for sick allowance from the Social Security Office (ZUS).

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

If employees are ready to perform work but are hindered by reasons related to the employer, such employees have the right to remuneration according to their individual monthly or hourly rate of pay and if such component of remuneration has not been stipulated, the employees should receive 60% of their remuneration. In any case, such remuneration cannot be lower than the minimum statutory remuneration (currently PLN 2,600, approx. EUR 620).

According to the assumptions of the anti-crisis shield presented today (18 March 2020) by the Polish government, the state will co-finance salaries of employees of crisis-hit businesses in the amount of 40% of the average monthly salary (PLN 4,918.17, approx. EUR 1,100) provided that the employer co-finances at least 40% of the average monthly salary and in case of evidence sliding results (precise parameters to be announced). A draft act has not yet been presented.

Another possibility is to agree with the employees that they will take unpaid leave or use their statutory holiday. However, in such case, the employees must give their consent to it.

Can we lay people off work without pay?

No, this is not permissible. If an employer employs at least 20 employees and terminates employment contracts solely due to reasons not related to the employees, the concerned employees are eligible for a statutory severance payment. The severance payment depends on the seniority and amounts to (i) one month's salary if the employee was employed less than 2 years, (ii) two months remuneration if the employee was employed at least two years and (iii) three monthly salaries in case of an employment lasting at least 8 years. The statutory severance payment is capped by the 15 times of the statutory minimum remuneration, the cap in the year 2020 is PLN 39,000 (approx. EUR 9,300). Further, the remuneration due until the end of the notice period as well as pay in lieu of unused holiday must be paid.

The termination notice period must be observed. However, in case of a termination due to a reason related solely to the employer, a three months' termination notice can be reduced

to one month. In such case, compensation must be paid in the amount of the remuneration due for the reduced termination notice period.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Yes definitely. Under the Act on special solutions related to the prevention, counteracting and combating of COVID-19, other infectious diseases and crisis situations caused by them, an employer has the right to instruct employees to perform work remotely for a limited period of time as a preventive measure.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

If an employee violates the mandatory quarantine ordered by the state sanitary inspector or state border sanitary inspector, the employee can be subject to a fine. Such employee should not be allowed to perform work.

If mandatory quarantine was not ordered the employer has the right to instruct the employee to perform work remotely for a limited period of time as a preventive measure.

According to a draft act passed to the Polish parliament employers will have the right, in particular, to require employees reasonably suspected of being infected with COVID-19 or who have recently been at risk areas to undergo the necessary medical examinations. However, this draft act may be subject of further changes during the legislative process in the parliament.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

An employee has the right to be released from work due to the necessity to take care of a child not older than 8 years of age in the case of a kindergarten or school shutdown due to the Coronavirus outbreak. In such a case, a care allowance will be paid for 14 days by the Social Security Institution (ZUS).

As of today (18 March 2020) the government has announced that the an additional care allowances will be granted if the kindergartens and schools' closure will be prolonged (currently kindergartens and schools are closed until 25 March).

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

The employer has the right to instruct employees to perform work remotely for a limited period of time as a preventive measure.



What is entitlement to state or contractual sick pay for those in self-isolation?

Employees who are absent from work due to a mandatory quarantine ordered by the state sanitary inspector or state border sanitary inspector are not obliged to work and have the right to receive sick remuneration (generally 80% of remuneration) from the employer for the first 33 days of sickness in a calendar year (or 14 days of sickness in case of employees who are over 50 years old). From the 34th day (or from the 15th day of sickness in the case of employees older than 50) employees are eligible for sick allowance from the Social Security Office (ZUS).

Republic of Ireland

What is entitlement to state or contractual sick pay for those in self-isolation?

Self-employed individuals and employees may be entitled to an enhanced Illness Benefit or a Supplementary Welfare Payment from the Department of Employment Affairs and Social Protection if there are in self isolation due to being diagnosed with COVID-19 or due to satisfying the conditions for self-isolation specified in public health advice.

The government has announced that it will introduce emergency legislation to amend the Department's rules on sick pay. According to the Department's latest information the proposed changes are:

- waiving of the six-day qualifying period for Illness Benefit in respect of medically-required cases of self-isolation in accordance with HSE guidelines and for those who have been medically diagnosed with COVID-19;
- increasing the personal rate of Illness Benefit to €305 per week for a maximum period of two weeks of medically required self-isolation, or for the duration of an individual's medically-certified absence from work due a coronavirus diagnosis;
- self-employed individuals will be entitled to receive either Illness Benefit or the Supplementary Welfare Allowance;
- changing the normal social insurance conditionality requirements for access to Illness Benefit; and
- removing the means test for Supplementary Welfare Allowance in respect of confirmed cases of COVID-19 or medically-certified cases of self-isolation.

If an employee is applying for the enhanced Illness Benefit they must:

- have been diagnosed with COVID-19 or must satisfy the conditions for self-isolation specified in public health advice;
- be absent from work and confined to home or a treatment location;
- have been in paid employment immediately prior to claim; and
- submit, on request, evidence of absence from work.

This payment will only be paid where individuals remain confined to their home or a medical facility while in receipt of this enhanced Illness Benefit.

It is hoped that the legislation will be implemented by the end of March and it is proposed that once implemented payments will be backdated to 9 March 2020. The position in relation to payments and qualifying criteria is, ever evolving and may change.

Workers, in receipt of the enhanced Illness Benefit who still face financial distress because their employer is unable to top up their sick pay beyond what is provided for under the Illness Benefit, can apply for additional emergency income support, in

the Form of Supplementary Welfare Allowance (based on a means test).

Whether an employee is contractually entitled to sick pay from their employer will depend on the employer's sick pay policy and whether the employee has being diagnosed with COVID-19 symptoms.

If the employee is self-isolating at the employer's request e.g. to protect others' health and safety, the employee would be entitled to full pay, unless the employer was contractually (in writing or due to custom and practice) entitled to place the employee on unpaid lay-off or some other arrangement was agreed with the employee.

If an employee chooses to self-isolate but there is no medical requirement to do so, the employer may not be required to pay the employee, assuming that there is work for the employee to do. However, depending on the circumstances, the employer might wish to agree an arrangement with the employee such as agree a period of compassionate or annual leave.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

Similar to UK, a review of the worker's employment contract and the business needs should be undertaken to see if the employer is contractually permitted to and practically able to redeploy the worker to another site. Even if there is no mobility clause, the worker may agree to work at another site rather than face a potential period of lay off or redundancy.

From an immigration perspective, care needs to be taken as employment permits only allow employees to work at the location noted on the employment permit. Given the unprecedented circumstances, we recommend contacting the Department of Jobs, Enterprise and Innovation to see whether an exception can be made.

Similar to UK, if it is not possible to place the worker on lay off (if there is no contractual right to do so or the employee refuses), alternatives should be explored with the worker such as asking the worker to take holidays.

Can we lay people off work without pay?

Only if there is a contractual right to do so or if the employee consents to being put on unpaid lay off. Some employees have agreed to unpaid lay off rather than face a redundancy situation.

The ROI government has encouraged employers to pay employees at least €203 per week for periods of lay off. It is proposed that the government will repay this amount to the employer. The mechanisms for repayment are still being decided.

If the employer cannot pay €203 per week during lay off, the employee may be eligible for a new emergency payment, which will be paid at the rate of €203 per week for 6 weeks from the



Pinsent Masons

Department of Employment Affairs and Social Protection. The employee will need to apply for jobseekers benefit or allowance, within that 6 week period, if the lay off will be longer than 6 weeks.

If employees are on lay off for a certain period of time, they can potentially trigger a redundancy situation.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

As in UK.

In addition the Taoiseach has also advised that employees should work from home where possible.

What course of action we would take if someone refused to follow medical advice and 'self isolate'? Can we suspend them?

As in UK.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

As schools have been closed In ROI, many employers are considering flexible work arrangements where an employee has a dependent child whose school has closed and the employee wants to work from home (rather than taking leave). Employers should ensure a standard approach, rather than allowing managers to make team-by-team decisions which could lead to dissatisfaction and unfairness.

If flexible work arrangements are not appropriate, employers may also agree compassionate leave arrangements with employees or agree for annual leave to be taken.

There is no obligation for an employer to pay an employee on compassionate leave unless it has agreed to do so (in a policy, by virtue of custom and practice or otherwise). Any decision to pay compassionate leave should be caveated as being the right decision for the business to make right now, and that it may be revisited and withdrawn at any time, as in the UK.

Where it is not possible to:

- work remotely from home,
- alter shift patterns;
- make appropriate compassionate leave arrangements;
- allow employees to 'work-up' any time taken at a future date;
- or
- avail of annual leave entitlements.

Employees may call on their statutory entitlements such as unpaid parental leave, or force majeure leave.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

As in UK.

If we tell an employee to cancel a holiday, are we liable for the cost?

As in UK.

Romania

What is entitlement to state or contractual sick pay for those in self-isolation?

Sick pay indemnity (for those diagnosed) / Quarantine indemnity (for those suspected) amounts to 75% determined against the average monthly gross income for the last 6 months from the last 12 months but its monthly value is capped at 12 minimum monthly gross salaries at national level. Except for the first few days, the indemnity is paid in advance by the employer but fully recovered from the budget of the Unique National Fund of Health Insurances based on a certain settlement mechanism.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

Even if these employees are long-term seconded to another client, they still are the responsibility of their employer irrespective of what happens to the business of the client. They should revert to their regular work place and receive other tasks or any other alternative options (technical unemployment if relocation of tasks is not possible, etc.)

Can we lay people off work without pay?

Only in case of documented force majeure, where the appropriate force majeure certificate can be obtained.

Close down may however qualify as technical unemployment leave (which must be justified and approved by competent corporate bodies) and entitle employees to minimum 75% of their base salary paid by the employer during the period in which the company's activity is suspended / interrupted.

The Government apparently approved last night (18 to 19 March) supporting measures for employers who had to declare technical unemployment. In this case, the proposal is to pay the technical unemployment leave indemnity out of state funds (instead of employer own funds), capped at a certain daily amount. However, said employer would be prohibited to dismiss employees (not 100% clear whether only the employees in scope or also other employees) for a period of 6 months after the company (or the departments, plants, lines of businesses in technical unemployment) resumes its activity.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

In Romania the Labour Ministry strongly recommended work from home / telework for those whose type of work allowed them to do so. Additionally, the President Decree declaring state of emergency as of 16 March requested employers to implement during the state of emergency, via unilateral decision, work from home/telework to the maximum extent possible.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

Inform Public Health Department immediately. From an employment perspective, the employee could be disciplinary sanctioned. Suspension is not possible under disciplinary procedure. However, the employer should not accept the employee at work (e.g. by implementing unilaterally garden leave) based on its duty of care towards the health of its personnel.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

As of 17 March 2020, employers are obliged to grant days off to parents (one parent only) when schools and kindergartens are closed (provided that certain conditions are met, including that the job does not allow flexible work). During these periods, the employees receive a daily allowance paid (advanced) by the employer but ultimately settled from public funds. The daily allowance amounts to 75% of the employee's daily salary (no express reference to the base salary, therefore this should be base salary plus other benefits or add-ons), capped at 75% of the daily average gross wage (at national level) used to substantiate the state budget (currently RON 5,429/month, roughly EUR 1,130/month).

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Same as above. Recommendations regarding work from home / telework applies to all employees.

If we tell an employee to cancel a holiday, are we liable for the cost?

The employer may recall the employee from annual leave only in case of force majeure or for urgent matters that require the employee's presence. In this case the employer has the obligation to bear all the expenses of the employee and of his family which are necessary to ensure return of the employee to the work place, as well as the possible damages suffered by him as a result of the interruption of the leave of rest.

Even if this situation normally applies to a case when the employee is recalled from holiday for business reasons, it may also be applicable when employee is required to postpone vacation at the company's request.



Pinsent Masons

Slovakia

What is entitlement to state or contractual sick pay for those in self-isolation?

Employee is entitled to compensation of income during the first 10 days of obligatory (not voluntary) quarantine measure - during the first 3 days - 25% of the daily assessment base, from 4th to 10th - 55% of the daily assessment base. From the 11th day of quarantine measure employee is entitled to sickness benefit under the Social Insurance Act No. 461/2003 Coll. in the amount of 55% of the daily assessment base.

Government is currently also discussing adoption of additional measures to help employers and employees, e.g. relieve from payments of social levies, health care levies and income tax for employees who cannot work due to imposed measures.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

When the business is shut down or suspended due to the restrictions of the Government, such closure represents obstacles on the employer's part and the employees are generally entitled to their average earnings, unless the employer:

- Agree with the employee on taking his/her annual leave;
- Order to the employee to take his/her annual leave (in this case the employer must notify the employee about this measure at least 14 days in advance, unless a shorter period has been agreed with the employee);
- Determined in a written agreement with employees' representatives substantive operational reasons that prevent the employer from designating work to an employee, this shall constitute an obstacle on the part of the employer for which an employee shall be entitled to wage compensation in the amount stipulated in the agreement, being a minimum of 60% average earnings. Such agreement may not be substituted by the decision of the employer.

Upon agreement with employees' representatives, an employer may set the collective drawing of paid holiday if it is necessary for operational reasons.

Can we lay people off work without pay?

Generally, no. When employees are dismissed due to their redundancy, they are entitled to statutory severance pay and the statutory notice period must be observed. The notice period is not required to be taken into account where the employer enters into the termination agreement with the employee. However, employees will still be entitled to statutory severance payments if redundancy is the ground for termination.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

If possible, yes. Due to the restrictions of the Government, many companies have been forced to suspend or temporarily close their business. It is not yet compulsory to close offices/production sites and employees are not forbidden from attending work. According to the Government's recommendations, employees should be allowed to work from home where possible and most companies in the Slovak Republic are complying with this recommendation. Generally, unless the Government forbids it, an employee cannot refuse to attend the work due to a fear of coronavirus, otherwise they can be disciplined. However, employers should listen to concerns and seek to resolve issues where possible. Annual leave, unpaid leave and flexible working arrangements should be offered. Where employees are still attending offices/manufacturing sites, employers should be taking measures to protect employees' health and safety.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

If an employee has been ordered quarantine by the Regional Public Health Authority, he/she is required to self-isolate and there are significant fines for failure to observe the quarantine (up to EUR 1,659). Furthermore, the Government has imposed mandatory statutory quarantine for people who have recently returned from foreign countries. In case an employee has been ordered mandatory self-isolation and he/she violates it, we believe that the employer shall be authorized under general obligation set forth by the Act No. 124/2006 Coll. on occupational safety and health, as amended, to forbid entry to the workplace and suspend the employee in order to ensure healthy and safe work environment for the rest of the employees. Furthermore, the employer may contact police or relevant authorities, since the particular employee breached the mandatory quarantine ordered by authorities.

However, where companies wish voluntarily self-isolate some of their employees without the mandatory quarantine imposed, they must pay their employees their usual salary, unless they have agreed/ordered their employees to work from home or take leave.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Where employees cannot work because they must take care of a child below the age of 10 due to a school shutdown or due to the quarantine ordered to the child; or they must take care of a sick family member (a direct relative, a child which is not a direct relative, a sibling, a wife/husband or their parents) who necessarily requires treatment by another natural person, then they are excused from their work and they are entitled to

nursing benefit under the Social Insurance Act. The nursing benefit is currently provided for the period of 14 calendar days, while the amount of nursing benefit is 55% from the daily assessment base calculated in accordance with the Social Security Act, although the Government is currently discussing an increase of the nursing benefit (potentially to 80%). The employee must inform the employer about this impediment to work and provide the employer with the relevant confirmation. After the expiry of this period, the employer and employee can make agreement over the use of annual leave or agree a period of unpaid leave.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

As mentioned above, unless the Government forbids it, an employee cannot refuse to attend the work due to a fear of coronavirus, otherwise they can be disciplined. However, employers should listen to concerns and seek to resolve issues where possible. Annual leave, unpaid leave and flexible working arrangements should be offered.

If we tell an employee to cancel a holiday, are we liable for the cost?

Under the Slovak Labour Code, the employer is required to reimburse the employee for the costs related with the cancellation of the booked holiday or for the costs in connection with the early return from the holiday at the employer's request, under the assumption that the employee's leave has been duly approved by the employer. However, given the fact that at the moment most of the holidays are cancelled due to the travel restrictions directly by travel agencies or airlines, we do not find it as a significant issue.



Pinsent Masons

Slovenia

What is entitlement to state or contractual sick pay for those in self-isolation?

If self-isolation is ordered by the employer, employee would be entitled to compensation in amount of 100% of the average monthly salary in the past three months.

Employee that goes into self-isolation by himself / herself is not entitled to any compensation.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

Under the Slovenian labour law two options may apply in this situation, depending on the circumstances:

a) if the circumstances due to which the employer has closed the site can be qualified as force majeure (for example, a decree of the government on closing down of retail stores), the employees are entitled to compensation in amount of half of the salary, which they would receive if working, but not less than 70 % of the minimum salary.

b) otherwise, if the employer closes down due to it not being able to provide work to employees on business grounds, the employees can be temporarily laid-off (for a period not exceeding 6 months). During the lay-off period the employees are entitled to compensation in amount of 80% of the average monthly salary in the past three months.

Currently a bill is pending with the National Assembly which may offer to employers a partial reimbursement of the monies paid out to employees under option (b), provided that certain additional conditions are met.

Can we lay people off work without pay?

No, this is not possible under Slovenian laws.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Employer has an obligation to ensure safety and health of its employees. Although not expressly required by law, the employer should in consideration of available assets determine whether it can enable such employees to work from home in order to protect their health.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

Employee's disregard of doctor's instructions during absence from work due to sickness or injury presents a cause for

extraordinary dismissal of employee (i.e. dismissal without notice period).

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

In present circumstances, where the schools were closed due to declared epidemic and on basis of a government decree, it is the prevailing view of public authorities that employees who cannot attend work due to taking care of their children are absent from work due to force majeure. During the absence such employees are entitled to compensation of salary in amount of half of the salary, which he / she would receive if working, but not less than 70% of the minimum salary.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Such employees may be absent from work / work from home only in agreement with the employer. If they do not work without any special justification (e.g. sick leave, agreement with the employer), they will usually not be entitled to any payment.

If we tell an employee to cancel a holiday, are we liable for the cost?

An employer can require an employee to cancel his / her holiday only if absence of the employee would seriously endanger the work process. The employer would be liable for damages incurred by the employee in such case.

Spain

What is entitlement to state or contractual sick pay for those in self-isolation?

For those individuals who are under self-isolation or infected by the virus, the situation will be regarded as if the worker had suffered from a work accident, for the sole purpose of economic benefit.

This means, the employee is paid from the first day of absence, 75% of the pensionable salary.

The payment is borne by the Social Security.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

If workers can't attend their job, an ERTE procedure must be initiated by the employer (Temporary Regulation of Employment) regardless the number of employees affected. It is a collective suspension of employment agreements.

As soon as this suspension is effective (which requires the intervention of the Labour Authority), workers will be entitled to unemployment benefits.

Employees have no right for compensation, as the employment relationship has not ended.

Employers are totally or partially exempted from paying social charges during the suspension (depending on the size of the business).

Can we lay people off work without pay?

You can lay people off during the situation of coronavirus but not alleging that the main reason is because of coronavirus. This exceptional situation is understood as a temporary situation and our laws provide that under these circumstances other measures are taken, like the temporary suspension of contracts.

The process of laying off people must already have started before the coronavirus situation, so that the disease would act as an additional but not determining element. The company could carry out dismissals for objective reasons (economic, technical, organizational or productive), although this entails a compensation for the workers:

The compensation for a dismissal on objective grounds is 20 days per year of service with a limit of 12 monthly payments.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

The Spanish health and safety regulations oblige companies to deploy all the necessary measures to comply with the duty of

protection of Article 14 of Law 31/1995, of 8 November, on the Prevention of Occupational Risks.

In this sense, the company must assess the health risk for those group of employees and would be forced to implement remote working, if this is technically and reasonably possible and if the necessary adaptation effort is proportionate. In particular, remote work should be a priority against temporary suspension or reduction of activity.

In any case fear of contagion or disease does not exempt the worker from going to work.

What course of action we would take if someone refused to follow medical advice and 'self isolate'? Can we suspend them?

The company could take disciplinary actions such as a suspension and claim damages if the employee damages the company by infecting other workers.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Workers can adapt or reduce their working hours, even up to 100%, to meet the needs for conciliation and care derived from this virus crisis.

The adaptation of their working hours could consist of very diverse measures according to the (conciliatory) needs of the workers and (organizational) needs in companies. For example, flexible working hours, irregular working hours, shift shifts, change to partial work, remote work, unpaid breaks, exchanges between workers, etc. The adaptation of their working hours may even consist of the application of several of the measures and does not always imply proportional salary reduction.

Of course the measures can be limited to time strictly necessary.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

As stated above, the company must make sure that there are enough health and safety means for employees to continue their working activity. The general rule is that employees must go to work unless the conditions aren't safe and their integrity is being put at risk.

Workers who decide on their own to stay at home without informing the company or leave their post without justification, may be exposed to disciplinary action. In addition, the employer may deduct the days or hours from the salary.

However, if the employee believes that he is facing a serious and imminent risk, he must inform his employer. This notice is very important, because Article 21.4 of the Law of the Prevention of Labour Risks (*Ley de Prevención de Riesgos Laborales*) establishes that workers or representatives may not



suffer damages arising from these measures to stop working due to serious and imminent risk as long as they have not acted in bad faith or in a negligent manner.

If we tell an employee to cancel a holiday, are we liable for the cost?

The period of holiday shall be fixed by mutual agreement between the employer and the worker, in accordance with the provisions of the collective agreement and the Law.

The worker shall know the dates at least before two months before the start of the leave.

In principle, the company cannot tell an employee to cancel a holiday. If this happens, the company shall be liable for the damages incurred by this action.

Due to the emergency situation in Spain there are restrictions on people's movement all across the country and Europe has closed its borders to limit the expansion of the virus.

Therefore, the cancelation of a holiday may be justified by reason of the health emergency and therefore may not imply company responsibility.

The Netherlands

What is entitlement to state or contractual sick pay for those in self-isolation?

In the event the employee is sick and for that reason is in self-isolation, the general statutory regulations regarding sick pay apply. There are no specific sick pay rules that apply to the coronavirus.

If an employee is sick, he is entitled to at least 70% of his salary during the first 104 weeks as far as this salary is not higher than the statutory maximum daily wage. During the first 52 weeks of sickness the amount of the salary may not be below the applicable minimum wage (for employees older than 21 this is € 1.653,60 per month). In the second year of illness this requirement does not apply.

It is quite common that the employer pays a higher percentage of the salary to the employee, e.g. 100% of the salary in the first year and 70% in the second year.

In case the employee is not sick, the rules regarding sick pay do not apply. If the employee is in self-isolation at the request of the employer, he is entitled to his usual wages. This also applies to the situation that the employee is in self-isolation as a governmental measure.

If the employee is not sick and self-isolating without this being at the request from the employer or a governmental measure, and he does not perform work (from home) and refuses to work, this can be a reason for the employer to discontinue paying wages.

An employee who cannot work from home may in principle only refuse to appear at work in the event of real danger, for example if a colleague with symptoms of a cold is in the workplace or if the employer clearly takes insufficient precautions for some other reason. The employee must then inform the employer that he is interrupting his work.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

If a site closes, the following applies with regard to continuation of payment of wages:

- Employees with a fixed-term contract or an indefinite period of time employment contract: they will in principle still be entitled to wages if they do not perform their work due to the closing of the site;
- Independent contractors: in principle they will not be entitled to payment of wages if they do not work;
- Temporary agency workers: in principle there is no obligation to continue the payment of wages. Whether the temporary agency worker can subsequently continue to receive salary from the temporary employment agency depends on the agreements made between the employer and the employee;
- On-call workers: in principle on-call workers with a 'zero-hour contract' will not be entitled to wages if they are not called

to work. If a call for work has already been made, this call may be cancelled by the employer up to 4 days before the start of the work without having the obligation to pay salary. This period may have been shortened to 24 hours by an applicable collective labour agreement. If the call is cancelled too late, the on-call worker is simply entitled to the salary he would have earned if he had worked.

On-call workers who have been employed for more than 3 months may, under circumstances, invoke the so-called statutory legal presumption regarding the work they perform after that period. If they for example have been working for at least three months for an average of 20 hours per week and the site suddenly closes, they may claim they are still entitled to the average salary they received in the previous period of 3 months.

On-call workers with a 'min-max contract' will be entitled to continuation of the salary of the guaranteed minimum hours. However, if they claim that they have been called up for more than the minimum number of hours on average per month in the past 3 months, the employer may be obliged to continue paying this higher average.

With regard to the termination of the contracts the following applies:

- Employees in probationary period and employees with a fixed-term contract: in the probationary period, both the employer and the employee may terminate the employment contract with immediate effect. If the employer terminates the employment contract during the probationary period it must provide the underlying reason for the termination in writing if requested by the employee. For employees with a fixed-term contract who are not in their probationary period anymore, the employer can choose to not renew the fixed term contract after the end date. These contracts will then end by operation of law. There is however a statutory duty of notification for fixed-term employment agreements. This means that the employer must notify the employee in writing at the latest one month before the contractually agreed end date of the contract, whether or not the employment contract will be extended. Such notification period applies to fixed-term employment contracts entered into for a period of six months or longer but does not apply to project agreements where the end has not been set on a calendar date;
- Independent contractors: it depends on what has contractually been agreed with regard to the (interim) termination;
- Temporary agency workers: it depends on what has contractually been agreed with regard to the (interim) termination;
- On-call workers: depending on whether the contract is a fixed-term contract or for an indefinite period of time, the same termination rules apply as to employees with a fixed-term contract (previously mentioned) or employees with an indefinite period of time contract (see below);



- Employees with an indefinite period of time contract or ending fixed-term contracts before expiry date: in case of a unilateral termination, this needs prior approval of the UWV. The UWV only gives permission for dismissal if (i) there is a reasonable reason for the dismissal, (ii) the principle of proportionality is applied and (iii) re-employment into a suitable position within a reasonable term is not possible and the employer can show that he has pro-actively looked for alternative positions.

A reasonable ground can for example be a loss of business or a worsening financial situation. Given the fact that this should concern a structural situation, we think it is still too premature to successfully submit a request for termination at the UWV. Also taken into account that such a procedure will take 6 to 8 weeks before you have a decision. However, this could change if further measurements are announced and the current situation takes longer.

The option to submit a request for a reduction of working hours to the Ministry of Social Affairs and Employment *has been discontinued with immediate effect*. Instead, an employer can shortly rely on the Temporary Emergency Measure Transitional Regulation for preservation of employment. (The government's aim is to publish the contents of the regulation by 31 March 2020.)

Besides this the employer can take a look at whether it is possible to let some employees temporarily work at another site (if one is still open).

Can we lay people off work without pay?

No, if the employer request an employee to stay at home, the employee will be entitled to wages.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

Yes, the Dutch government advises citizens to work from home as much as possible. Employers are expected to follow this approach and to give employees as much opportunity as possible to work from home, especially if it concerns employees with disabilities who are more at risk of serious illness if they are infected with the coronavirus.

What course of action we would take if someone refused to follow medical advice and 'self isolate'? Can we suspend them?

An employer has a statutory duty of care to provide employees with a safe and healthy (working) environment. For example, he must ensure that his employees will not come into contact with infectious employees. If an employer/the company doctor or the government requires an employee to stay at home and the employee refuses, this can be (also considering the duty of

care) a reason to give a (written) warning or suspend the employee. Eventually the employer can for that period discontinue to pay the wages.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

In this case, an employee may apply for emergency leave or possibly short-term leave of absence. The employee must report the taking of this leave to the employer. Emergency leave is only intended as a temporary emergency measure, for example to arrange alternative (child)care. An employee is entitled to short-term care leave to temporarily care for a sick family member. Both forms of leave are intended to cover a short period of absence (a few hours or days). Of course, an employer can choose to be lenient with this. During the emergency leave an employee is entitled to his full wages. During short-term care leave, the employee is entitled to at least 70% of his wages. If these forms of leave are exhausted, an employee can take holidays, for the rest there is in principle no entitlement to paid leave. Additional provisions may be included in the collective labour agreement or employment conditions scheme.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

The government advises citizens to work from home as much as possible. Employers are expected to follow this approach and to give employees as much opportunity as possible to work from home. Employees will generally cooperate with this. Employees who have symptoms of a cold (nose cold and/or sore throat and/or cough and possibly a fever) can in any case be obliged to stay at home.

If an employee cannot work from home, he can in principle only refuse to appear at work in the event of real danger for the duration of the danger, for example if a colleague with symptoms of a cold is in the workplace or if the employer clearly takes insufficient precautions for some other reason. The employee must then inform the employer that he is interrupting his work. Other reasons, such as fear alone, are no ground for interrupting the work. In such case the employer may discontinue paying wages.

In case an employee refuses to work because of a fear that for example family members who are more at risk will be infected because of him, from a strict legal view this can be a reason to discontinue the payment of wages because it is based on a fear alone. However, this might be a bit too strict, also taking into consideration the duty of the employer to act as a good employer.

If we tell an employee to cancel a holiday, are we liable for the cost?

In principle the employer cannot forbid a trip, but can only strongly discourage the employee from travelling to a risk area and to point out to him that the consequences may be for his account and risk. The employer can then not be held liable for the costs.



Pinsent Masons

United Kingdom

What is entitlement to state or contractual sick pay for those in self-isolation?

Changes to Statutory Sick Pay (SSP) were confirmed in the UK budget on 11 March. As well as SSP being payable from the first day of sickness absence (rather than the fourth day) (applicable from 13 March) for people who have COVID-19 or have to self isolate, it will also be temporarily extended to cover:

- individuals who are unable to work because they have been advised to self-isolate; and
- people caring for those within the same household who display COVID-19 symptoms and have been told to self-isolate. (The latter makes provision for e.g. carers of children or elderly relatives who live with the absent employee).

Employers with <250 employees will be able to claim back SSP up to a maximum of two weeks per employee for COVID-19 absences only.

We understand these changes are temporary and will only apply during the Coronavirus epidemic (after which it will revert to the previous position).

The terms of the contract will apply as to any Contractual Sick Pay (CSP). This gives some pause for thought. Is someone absent due to e.g. "illness or injury" (which is fairly typical wording in an absence policy) if they are self-isolating without symptoms? Perhaps not, but many employers have decided there is merit in paying those that self-isolate – not least that if absence is unpaid, people may opt to come to work when they are unwell and pass the virus to their colleagues, which ultimately is going to have a far greater impact on the business.

However, the situation is fast-moving. Even where a commitment is made to pay sick pay in these circumstances, it should be caveated. The position may have to change if the outbreak continues over a lengthy period.

If the employee is self-isolating at the employer's request e.g. to protect others' health and safety, the employee would be entitled to full pay in any event (if they are otherwise available and ready to work).

The budget also addressed medical evidence for certification of SSP, making reference to the government's wish that employers consider accepting evidence other than a fitnote for COVID-19 absences for CSP too.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

It is common for workers to have a mobility provision in the contract, which would enable the employer to move them

elsewhere (but check that this effective). Of course, there is the practical issue of whether there is another site where the workers are needed. If the projections about how extensively Coronavirus will spread are correct, employers are likely to find that they face significant absence levels and will need those that can work to provide cover for absentees.

Immigration-wise, care needs to be taken with redeployment if any of the individuals are sponsored. If they're changing role or location, immigration compliance, and potentially reporting to UKVI would be required.

Other considerations – where there are no lay-off clauses and individuals can't work from home:

- Commercially, check the terms of the contract with client – does it have some cover in place for the service provider?
- Rely on zero hours terms;
- Ask individuals to take holiday (notification requirements for directing holiday be taken are unlikely to be workable in the timescales).
- Subject to shut-down/ duration, unfortunately redundancies may fall to be considered (with consultation requirements to be factored in).

Can we lay people off work without pay?

Lay-off is an option, but only if you have provisions in the contract, and not many contracts outwith the manufacturing and infrastructure sectors contain lay-off provisions.

It is something that employers might want to consider introducing for the future. This is difficult to introduce from an employee relations perspective, and bear in mind that a statutory Guarantee Payment is payable when lay-off is enforced. (Changes to terms and conditions to bring in lay-off clause would require separate detailed advice on how to achieve the change.)

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home?

There is an obligation to maintain a safe working environment for all employees, which may well require a risk assessment for health and safety purposes, for example where there is evidence of COVID-19 spreading in the community or that the workplace is impacted.

Over and above this duty, employers should deal with employees as individuals and factor in their particular issues. That includes any disabilities, particularly as the duty to make reasonable adjustments is triggered where the employee has a disability and suffers a substantial disadvantage because of it in relation to a practice which the employer applies. If that is the

case, the employer is obliged to make those adjustments which are reasonable to avoid the disadvantage.

Occupational Health advice may well help confirm that a disabled employee with lowered immunity who is afraid of commuting on public transport in rush hour (because of a fear that he/she will be open to infection) is suffering a disadvantage because of the employer's requirement that they come in to the office to work. So we would suggest that employers consider potential solutions, such as:

- would working from home be a potential reasonable adjustment;
- is there another business location with a shorter or less onerous commute which might be a workable alternative; and
- any other options which might work?

What course of action we would take if someone refused to follow medical advice and 'self isolate'? Can we suspend them?

Taking account of employers' obligations to take reasonable care of the health and safety of all employees, if an employer knowingly allows an individual who has been advised to self-isolate to attend their premises or come into contact with other employees, they may be in breach of those duties, particularly where any of those other employees are more vulnerable to infection – for example, pregnant employees or those with long-term health conditions.

Suspension may be the only option where an individual who has been advised to self-isolate refuses to do so. The grounds for this are likely to be a health & safety exclusion.

As it is unlikely that there would be an express contractual right to suspend in these circumstances, there isn't a clear route to suspension, so discussion with the individual rather than imposing a suspension would be required.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

Until an employee has themselves been issued with a notice to self-isolate, this would be classed as time off for dependants (TOFD) (and there is no entitlement to be paid for that period of absence). However, how employers choose to deal with the situation with regard to pay for TOFD will differ. Any decision to pay TOFD leave should be caveated as being the right decision for the business to make right now, and that it may be revisited and withdrawn at any time. Predictions for the potential duration of the COVID-19 outbreak are unclear, and employers will want to avoid making promises that they may not be able to uphold if the disruption is extended.

Another angle to this is where an employee has a dependent child whose school has closed and the employee wants to work from home (rather than taking leave). Employers will have to make decisions about whether this works for them. Truly agile

work may be possible to a limited extent, perhaps when the child is asleep or in the evening, but that will depend on the work to be done. Some employers may well (quite reasonably) choose to adopt a consistent hard line on this, i.e. if the employee doesn't have childcare and is at home, it is TOFD, and the consistency point is a vital one. Employers should ensure a standard approach, rather than allowing managers to make team-by-team decisions which could lead to dissatisfaction and unfairness.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

The [WHO Q&A](#) advises that older people, and those with pre-existing medical conditions (such as high blood pressure, heart problems or diabetes) appear to be more vulnerable to developing serious illness. Employees may well be concerned about carrying an illness home to a relative in one of these situations.

Partners of pregnant women or pregnant employees themselves may have similar concerns, and while the WHO does not expressly refer to pregnant women as being more vulnerable. The [Centers for Disease Control and Prevention](#), latest UK government guidance advises pregnant women to 'socially isolate' meaning that contact should be kept to a minimum..

Employers should listen to employee's concerns, and assess how workable available solutions are. Just because the employee themselves isn't disabled, doesn't mean it wouldn't be reasonable for an employer to e.g. allow an employee to work from home (even where a formal reasonable adjustment isn't required).

If we tell an employee to cancel a holiday, are we liable for the cost?

Although an employer is unlikely to be directly liable, it will depend on the circumstances and what any policy says. We have seen some expenses and holiday policies which mention that cancellation of holidays as a result of work would require payment by the employer. While these may have been drafted in the context of requiring employees to work on a vital project, review is required before taking any action.

In any event, this is certainly an employee relations and engagement issue, and would have to be tactfully and carefully handled. There is also the issue of what happens if the employee refuses to cancel without the employer paying. Employees may well ask what the consequence of not cancelling would be, and the issue then comes back to whether it's a reasonable instruction to tell them not to travel in the particular circumstances of each case.



Ukraine

What is entitlement to state or contractual sick pay for those in self-isolation?

First five days are to be covered by the Employer, while the rest of the time (during the quarantine) to be covered by the Social Fund which shall be covering 50% of the average monthly salary of the employee in question.

What happens if a client closes a site where our workers are assigned, and the workers can't attend to do their job?

The employer should consider work from home arrangements, while if that is not practically possible, the employer has an option to either send the employee for vacation (paid or not paid), if so mutually agreed with the employee, or initiate a procedure of employment termination of the employee.

Can we lay people off work without pay?

No.

We have employees with disabilities (and lowered immunity) who are concerned about commuting and coming in to work. Should we allow them to work from home? Yes, work from home is presently an option that the government encourages employers and employees to take.

What course of action we would take if someone refused to follow medical advice and 'self-isolate'? Can we suspend them?

Such an event should be notified to the state authority (Police), as violating the quarantine requirements is to become an administrative or criminal offence. The employee should not be allowed to come for work.

A dependent child's school has closed, and the parent requires to stay off work to look after them. What are rights to time off/ pay?

The parents may take paid vacations (to the extent they have available paid vacation days), or take unpaid vacations (presently no limitation as to its length). Alternatively, the parents may switch to the work from home arrangement, if that is practically possible.

What about employees who might not have immunity issues themselves, but who still are concerned, perhaps for family members who are more at risk?

Such employees may switch to the work from home arrangement, or consider taking take paid vacations (to the extent they have available paid vacation days), or take unpaid vacations (presently no limitation as to its length).

If we tell an employee to cancel a holiday, are we liable for the cost?

Such an even is not clearly regulated by the law, but practically, yes, if additional cost would need to be borne by the employee (such as travel cost), the employer would need to cover the cost.

As these are high level summaries, we can help put you in touch with a local lawyer in every case to ensure the employer's decisions are in line with local laws.

This note does not constitute legal advice. Specific legal advice should be taken before acting on any of the topics covered.

Pinsent Masons LLP is a limited liability partnership, registered in England and Wales (registered number: OC333653) authorised and regulated by the Solicitors Regulation Authority and the appropriate jurisdictions in which it operates. Reference to "Pinsent Masons" is to Pinsent Masons LLP and/or one or more of the affiliated entities that practise under the name "Pinsent Masons" as the context requires. The word "partner", used in relation to the LLP, refers to a member or an employee or consultant of the LLP or any affiliated firm, with equivalent standing. A list of members of Pinsent Masons, those non-members who are designated as partners, and non-member partners in affiliated entities, is available for inspection at our offices or at www.pinsentmasons.com. © Pinsent Masons.

For a full list of the jurisdictions where we operate, see www.pinsentmasons.com