



Legal Alert

March 2020

Weinhold Legal

Coronavirus and employment relations

Given the ever-increasing number of coronavirus (COVID-19) infections worldwide and the confirmation of the first cases in the Czech Republic, we believe it would be helpful to outline Labour Code related possibilities and procedures related to the impact the virus may have on employment relationships.

Employer's precautionary measures

In particular, an employer should regularly monitor the current situation, i.e. follow all up-to-date instructions and recommendations issued by the Ministry of Health and public health authorities, inform its employees and introduce basic rules aimed at risk prevention, including in particular:

- ▶ provision of basic information on the possibility of infection and the reasons for the measure being implemented,
- ▶ information on the need for careful hygiene, e.g. more frequent hand washing with soap and warm water,
- ▶ provision of additional hygiene aids, e.g. hygiene gels, respirators and the introduction of measures promoting increased hygiene, e.g. disinfection of common areas,
- ▶ information on the need for prevention, e.g.

not to travel to at risk areas,

- ▶ consideration of systemic measures, e.g. the postponement of business trips, replacement of personal meetings with videoconferences,
- ▶ consideration of the possibility of home working during the incubation period, the preparation of conditions for eventual home work for employees, or the imposition of obstacles to work.

Obligations of an employee who has returned from an area affected by coronavirus or who has been possibly in contact with an infected person

First of all, the employee should familiarize himself/herself with the current instructions and recommendations of the Ministry of Health and public health authorities and this information should be made available to him/her by the employer. Furthermore, with regard to Section 106 (4) of the Labour Code, the employee should inform the employer that he/she has returned from the area affected by coronavirus, or that it is likely that he/she may have been in contact with an infected person, preferably by telephone or email.

Employee with coronavirus symptoms

If symptoms of an infectious disease (especially a higher temperature, cough, breathing difficulties)



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occur, the employee must contact his/her attending physician or the regional health office by telephone/electronic means. The doctor will decide whether the employee will be recognized as temporarily unfit for work, or will be ordered by the public health authority to quarantine, isolation (if confirmed) or other quarantine measures.

The attending physician may, after assessing the health status and risk, recognize the employee as temporarily unfit for work or order the employee to quarantine. The first 14 calendar days of temporary incapacity for work or quarantine belong to the employee, who was involved in sickness insurance, wage or salary compensation equal to at least 60% of his/her adjusted average earnings paid by the employer. Subsequently, from the 15th calendar day of the duration of temporary incapacity for work or quarantine, sickness benefit is paid to the employee, which is covered by the sickness insurance system.

Employee without coronavirus symptoms

In the event that the employee does not show symptoms of infection, he/she should contact his/her attending physician or the regional health office by telephone and consult appropriate measures. Moreover, the employee should con-

tact the employer to agree on further action, minimize contact with people during the incubation period and follow increased hygiene routines.

Employer's instruments

Work from home

The employee can, if agreed with the employer, start working from home (home office).

Sick days

If the employer has this benefit, the employee can use so-called sick days, i.e. free days that the employee can draw to deal with his/her short-term incapacity for work or medical disability, which he/she does not have to prove to the employer by way of any medical certificate/sick note.

Leave

Unless agreed otherwise, the employer is entitled to order the employee to take his/her leave no later than 14 days in advance. The employer and the employee can also agree on taking leave.

Obstacles to work

Another option for the employer is to order the employee not to come to the workplace for a certain period of time (the so-called obstacles to work on the part of the employer). In this case, however, the employee is entitled to wage compensation in

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the amount of 100% of his/her average earnings.

Unpaid leave

The employer and the employee may also agree that the employee will take unpaid leave for the agreed period.

In the event that the employer is unable to secure the running of its operations due to the excused absence of a large number of employees and therefore interrupts its activity/production, an obstacle to work on side of employer will be applicable to those employees who have not been quarantined or have no other personal obstacle to work. The conditions for the possible provision of wage/salary compensation in lower amount than 100% will have to be examined individually in each case of interruption.

This information in this bulletin is correct to the best of our knowledge and belief at the time of going to press. Specific advice should be sought, however, before investment and other decisions are made.

Nor should the in-formation in this bulletin be considered an exhaustive description of the given matter and its possible ramifications. We also note that legal opinion varies regarding some of the issues raised in this bulletin due to ambiguities in the relevant provisions. Thus, it is possible that an interpretation other than the one presented here will prevail in future.

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