



SK Legal Alert

26 November 2021

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Pandemic measures: Changes for employers and business establishments

On 24 November 2021, the Public Health Authority of the Slovak Republic and the Government of the Slovak Republic adopted a number of measures to slow down the spread of the COVID-19 pandemic. In this Legal Alert, we focus on a brief summary of the measures with an impact on employers and business establishments.

Home working

Resolution of the Government of the Slovak Republic No. 695 of 24 November 2021 imposes an obligation on all employers to allow their employees to perform work from home to the maximum extent possible **effective as of 25 November 2021**. Employees who, due to the nature of their work, cannot carry out their work from home are not subject to the curfew. However, such employees must prove themselves by a certificate from their employer stating the working hours and place of work. Nor does the prohibition in question apply to travel to and from the pursuit of a business or other similar activity which cannot be carried out as work from home.

Obligation to cover the upper respiratory tract

Decree of the Public Health Authority of the Slovak Republic No. 262 **with effect from 25 November 2021** mandates the proper covering of nose and mouth by the use of a respirator in public in all areas of the interior of buildings, and therefore also in the interior of the employer's workplace and other ar-

reas of the buildings in which the workplace is located. However, the prescribed obligation does not apply to an employee who is alone in an indoor workplace.

The use of a respirator may be replaced by the use of other preventive protective equipment (mask, scarf or kerchief) only in exceptional cases, such as in the case of employees:

- ▶ performing hazardous work in which they are exposed to heat or physical stress, classified in the third or fourth category according to the relevant decree of the Ministry of Health of the Slovak Republic,
- ▶ with chronic diseases of the upper respiratory tract with respiratory insufficiency or with skin diseases of the face where the wearing of a respirator could lead to worsening of the condition and
- ▶ for whom, on the basis of a statement from the occupational health service or by agreement between the employer and the employees' representatives, the working conditions or the method of work do not permit the wearing of a respirator.

Coverage of the upper respiratory tract outdoors is also compulsory for employees but in this case the respirator may be replaced by another preventive protective device, i.e., a mask, scarf or kerchief.

Temporary measures for the entry of employees to workplace and other premises of the employer

Pursuant to Decree of the Public Health Authority of the Slovak Republic No. 264 **with effect from 29 November 2021** all employers are ordered to condition the entry to their workplace and other premises to be only in so called "OTP mode" (vaccinated, tested or overcome COVID-19). An employee in



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OTP status under the decree is defined as:

- ▶ a fully vaccinated person,
- ▶ a person who has had COVID-19 disease within a period of not more than 180 days and who can prove this fact by a positive RT-PCR test result,
- ▶ a person who is able to demonstrate a negative test result for COVID-19 (e.g. RT-PCR test, LAMP test, antigen test) no older than 7 days from the date of collection.

A fully vaccinated person is defined as:

- ▶ a person at least 14 days after the second dose of the vaccine with a two-dose schedule,
- ▶ a person at least 21 days after the first dose of the single-dose vaccine,
- ▶ a person at least 14 days after the first dose of vaccine if the first dose of vaccine was administered within 180 days of overcoming COVID-19.

However, these persons are considered to be fully vaccinated only if no more than one year has elapsed since the last dose of vaccine was applied.

Vaccination against COVID-19, a negative test result for the disease, or recovery from the disease must be proven by a document from which the identity of the person presenting the proof can be established. However, this document may be replaced by an EU digital COVID card if one is issued

The OTP scheme does not apply only to a person who does not come into contact with another person at work or in the employer's premises.

Restriction on business establishments

Decree of the Public Health Authority of the Slovak Republic No. 263 closed retail and service establishments **with effect from 25 November 2021**.

However, the decree provides for numerous exceptions to which the prohibition does not apply. These exceptions concern, for example, the following business establishments:

- ▶ public food service establishments serving food and beverages exclusively for takeaway or delivery service,
- ▶ grocery store,
- ▶ drugstores,
- ▶ pharmacies, medical devices stores and dispensaries and opticians,
- ▶ dispensing points for goods purchased at a distance,
- ▶ telecommunications operators' premises,
- ▶ postal, banking, other financial, insurance and leasing services,
- ▶ long-term or quarantine accommodation services,
- ▶ establishments providing short-stay accommodation services in connection with the performance of work or business or other similar activity and essential accommodation services for the purpose of visiting a medical establishment provided that the operator allows access only to persons under the OTP regime
- ▶ and many others.

However, the operators of these establishments must comply with a number of measures. These include, for example, the obligation to allow only persons with upper respiratory tract coverings to enter and remain in the premises, the obligation to apply hand disinfectant to persons entering the premises or to provide disposable gloves, the obligation to ensure that queue distances (minimum 2 m) are maintained, the obligation to ensure that the number of customers in the premises does not exceed a concentration of one customer per 25 metres of sales area, etc.

The Decree also lays down an obligation for certain establishments (e.g. food, drugstore or newspaper and stationery



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shops, telecommunications and postal services, banking, other financial, insurance and leasing services) to limit opening hours to the time between 05.00 and 20.00.

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We continue to closely monitor the overview of current measures concerning entrepreneurs in connection with the fight against the COVID-19 pandemic. We will keep you promptly informed as further information related to this topic is published.

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