

**PETERKA PARTNERS**

THE CEE LAW FIRM

**Covid-19 Pandemic**

**Major Employment Issues in CEE**

Issue	Czech Republic – status as of March 20, 2020
<b>General Status</b>	Proclamation of a <b>state of emergency</b> by the Czech Government from March 12, 2020 2 p.m. for a period of 30 days
<b>Health &amp; Safety (including disease prevention)</b>	<p>The employer's <b>obligation to ensure security and hygiene at work and its legal preventive duty</b> shall in this Covid-19 crisis include, at least:</p> <ul style="list-style-type: none"> <li>- close monitoring of the situation,</li> <li>- informing the employees about governmental measures, employer's measures, how to act, and about standard hygienic behaviour</li> <li>- asking the employees to inform the employer about risky factors (their travel/return from risky regions, contact with risky persons, etc.)</li> <li>- instructing employees feeling sick not to attend the workplace, to contact their physician and stay on sick leave or use sick days</li> <li>- having a special contact person and updating employee's contacts</li> <li>- increasing hygienic standard at the workplace</li> <li>- using teleconferences</li> <li>- limiting contact among people</li> <li>- equipping employees with protective means</li> <li>- having actions plans, etc.</li> </ul> <p>The Czech government recommends explicitly that employers:</p> <ul style="list-style-type: none"> <li>- use to the maximum extent distant work if employees can work from home</li> <li>- encourage paid holidays and other paid leaves</li> <li>- limit work not substantial for the operations of the employer</li> </ul>
<b>Mandatory quarantine of employees</b>	<p>Quarantine is ordered by the hygiene inspectorate or a physician (not the employer).</p> <p>An employee is obliged to notify his/her employer of his/her absence and is entitled to receive <b>salary compensation of 60% of adjusted average earnings</b>, in the first 14 days, <b>from the employer</b>.</p> <p>Subsequently, <b>sick leave allowance is paid by Social Security</b>.</p> <p>The employer will receive a <b>contribution in an amount equal to 100%</b> of what was paid by the employer to the employee. Details on how to request the contribution have not yet been communicated.</p> <p>Violation of the quarantine is strictly sanctioned (including a financial penalty up to 3M CZK).</p>

<p><b>Preventive quarantine (isolation) of employees</b></p> <p><b>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</b></p>	<p><b>Agreement on paid leave:</b> a unilateral order to take paid leave can be issued in writing at least 14 days prior to start of paid leave, with the employee's agreement the paid leave (holiday) can start immediately. During paid leave, the employee is entitled to get <b>100% of his/her average earnings</b>.</p> <p><b>Agreement on home-office,</b> if possible, with respect to the nature of the work and accepted by the employee. <b>Home-office cannot be ordered.</b> Costs incurred by the employee are to be paid by the employer, for example, internet connection, electricity, etc.; security and hygiene at work must be assured even at home, other aspects such as reporting, cybersecurity, etc., are to be taken into account by the employer). The employee is paid with <b>his/her salary</b>.</p> <p><b>Rescheduling of shifts</b> can be within weekly working hours planning, provided that the employee must be notified about any modification of his/her shifts based on such planning 2 weeks in advance at the latest (1 week in case of account of working hours), unless there is another agreement with the employee.</p> <p>An order to <b>take compensatory leave for overtime work</b> can be made if agreed upon instead of overtime compensation/<b>work during bank holidays</b> performed within the last three months and not yet compensated by overtime compensation.</p> <p>Requests from employees for unpaid leave or for supplementary spare leave which will be made up for in the future can be accepted. These measures cannot be imposed by the employer.</p> <p>If no such measure is possible or agreed upon, the employee will have "<b>obstacles</b>", in most cases with 100% compensation. See below.</p>
<p><b>Employee refusing to work</b></p>	<p>An employee can only refuse to work if there is a reasonable concern that the performance of work might threaten an employee's or a third person's health or life, otherwise such absence might be considered as unexcused (leading in the worst case to the termination of employment).</p> <p>The concrete situation, nature of work, condition of the employee and other aspects are to be taken into account and, if possible, matters should proceed as in the case of preventive isolation above.</p>
<p><b>Care leave (schools closed)</b></p>	<p>Employers are obliged to allow employees caring for <b>children up to 13 years old</b> and <b>disabled persons</b> living in a common household to take care leave if their children cannot attend school due to school quarantine or if the school or the establishment caring for disabled persons has been closed (for reasons of epidemic).</p> <p>The employees are <b>paid through Social Security</b> during the care leave as in the case of sick leave or quarantine.</p> <p>Care leave compensation shall be paid during the entire duration of extraordinary measures related to the COVID-19 epidemic.</p> <p>The corresponding act needs to be adopted by the Czech Parliament; however, the payment will be made retroactively.</p>

<p><b>Limitation of production, temporary closure of employer/its part</b></p>	<p>Due to governmental decisions many establishments were closed for the public and other entrepreneurs are suffering losses due to a lack of staff, and a decrease in demand for their products or services.</p> <p>In case of obstacles on the employer’s side causing that the employee cannot work, <b>the employee is entitled to receive compensation of salary</b>, unless transferred to other work:</p> <p><b>Minimum 80% of average earnings</b>, if the obstacle consists in a temporary breakdown of machinery or equipment which not caused by the employer, in a <b>problem with the supply of raw materials or power (energy)</b> or some other operational causes (unless an employee is transferred to other work).</p> <p><b>100% of average earnings in case of other obstacles</b> (this is according to the Ministry of Labour and Social Affairs, the case if the establishment was closed due to the recent governmental measure).</p> <p>If the employer is ordered based on the crisis decision of the government related to the outbreak of COVID-19 to cease its operations (close shops and other establishments), the <b>employee is paid with the compensation of salary in the amount of 100% of average earnings</b>. The employer will be granted a <b>contribution in the amount of 80%</b> of the paid compensation. Details on how to request the contribution have not yet been communicated.</p> <p><b>Minimum 60% of average earnings in case of partial unemployment:</b> if the employer is not able to assign work to its employees to the extent corresponding to the weekly amount of hours because of the temporary <b>reduction of demand in the employer’s products or services</b> and if there is <b>an agreement with the trade unions</b> about the amount of salary compensation, the employee is to receive such salary compensation whose amount cannot be lower than 60% of average earnings. In case of no presence of trade unions, <b>the agreement can be replaced by the issuance of internal rules</b>.</p> <p>Minimum 60% of average earnings, if the obstacle consists in a work disruption caused by adverse climatic conditions or a natural disaster (the pandemic is not considered as a natural disaster thus far, a legislative change will be necessary in this respect).</p>
<p><b>Other issues</b></p>	<p>Employers shall proceed sensitively and without discrimination.</p>

Issue	Slovakia – status as of March 20, 2020
<b>General Status</b>	Proclamation of an <b>extraordinary situation</b> and <b>state of emergency (in the area of health providers)</b> by the Slovak Government from March 16, 2020 6 a.m. for a period of 14 days
<b>Health &amp; Safety (including disease prevention)</b>	<p>The employer's <b>obligation to ensure security and hygiene at work and its legal preventive duty</b> shall in this Covid-19 crisis include, at least</p> <ul style="list-style-type: none"> <li>- close monitoring of the situation,</li> <li>- informing the employees about governmental measures, employer's measures, how to act, and about standard hygienic behaviour</li> <li>- asking the employees to inform the employer about risky factors (their travel/return from risky regions, contact with risky persons, etc.)</li> <li>- instructing employees feeling sick not to attend the workplace, to contact their physician and stay on sick leave or use sick days</li> <li>- having a special contact person and updating employee's contacts</li> <li>- increasing the hygienic standard at the workplace</li> <li>- using teleconferences</li> <li>- limiting contact among people</li> <li>- equipping employees with protective means</li> <li>- having actions plans, etc.</li> </ul> <p>The Slovak government recommends that employers:</p> <ul style="list-style-type: none"> <li>- use to the maximum extent distant work if employees can work from home</li> <li>- encourage paid holidays and other paid leaves</li> <li>- limit works not substantial for the operations of the employer</li> </ul>
<b>Mandatory quarantine of employees</b>	<p>Quarantine is ordered by the hygiene inspectorate or a physician (not the employer).</p> <p>An employee is obliged to notify his/her employer of his/her absence and is entitled to receive salary compensation of <b>25% of the daily assessment base</b> (salary) for the first three days and <b>55% of the daily assessment base</b> (salary) from the fourth to the tenth day (i.e., for 10 days) from the employer.</p> <p>Subsequently, <b>sick leave allowance is paid by Social Security</b> (from the eleventh day).</p> <p>Violation of the quarantine is strictly sanctioned (including a financial penalty of up to 1,659 EUR).</p>
<b>Preventive quarantine (isolation) of employees</b>	<b>Agreement on paid leave:</b> a unilateral order to take paid leave can be issued in writing at least 14 days prior to start of paid leave, with the employee's agreement the paid leave (holiday) can start immediately. During paid leave, the employee is entitled to get <b>100% of his/her average earnings</b> .

<p><b>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</b></p>	<p><b>Agreement on home-office</b>, if possible, with respect to the nature of the work and accepted by the employee. <b>Home-office cannot be ordered.</b> Costs incurred by the employee are to be paid by the employer, for example, internet connection, electricity, etc.; security and hygiene at work must be assured even at home, other aspects such as reporting, cybersecurity, etc., are to be taken into account by the employer). The employee is paid with <b>his/her salary</b>.</p> <p><b>Rescheduling of shifts</b> can be within weekly working hours planning, provided that the employee must be notified about any modification of his/her shifts based on such planning 1 week in advance at the latest, unless there is another agreement with the employee.</p> <p>An agreement can be made with the employee to <b>take compensatory leave for overtime work/work during bank holidays</b> performed within the last four months instead of overtime/work during bank holiday compensation.</p> <p>Requests from employees for unpaid leave or for supplementary spare leave which will be made up for in the future can be accepted. These measures cannot be imposed by the employer.</p> <p>If no such measure is possible or agreed upon, the employee will have “obstacles”, in most cases with 100% compensation. See below.</p>
<p><b>Employee refusing to work</b></p>	<p>An employee can only refuse to work if there is a reasonable concern that the performance of work might threaten an employee’s (or a third person’s) health or life, otherwise such absence might be considered as unexcused (leading in the worst case to the termination of employment).</p> <p>The concrete situation, nature of work, condition of the employee and other aspects are to be taken into account and, if possible, matters should proceed as in the case of preventive isolation above.</p>
<p><b>Care leave (schools closed)</b></p>	<p>Employers are obliged to allow employees caring for <b>children up to 10 years old</b> to take care leave if their children cannot attend school due to school quarantine or if the school has been closed (for reasons of epidemic).</p> <p>The employee shall inform the employer thereof.</p> <p>The employees are <b>paid through Social Security</b> during the care leave as in the case of sick leave or quarantine.</p> <p>Care leave compensation is normally paid for a period of 10 days, however, the Slovak government has firstly advised the Social Insurance Agency to prolong it to 14 days and later to the entire period for which the extraordinary situation/emergency state is declared and schools and pre-school facilities are closed. Therefore, started 14-day care leave and compensation thereof will be automatically extended, without a parent having to submit a new application. A new application is only needed if the parents need to change each other. They may change at the earliest after the expiry of 10 days.</p>

<p><b>Limitation of production, temporary closure of employer/its part</b></p>	<p>Due to governmental decisions many establishments were closed for the public and other entrepreneurs are suffering losses due to a lack of staff, and a decrease in demand for their products or services.</p> <p>In case of obstacles on the side of the employer, which are influencing/stopping the operation of the employer, employees are entitled to <b>salary compensation in the amount of 100% of their average salary.</b></p> <p>In case there is a <b>written agreement with employee representatives</b> (trade unions/work council) about serious operation reasons (which may include a quarantine/epidemic if agreed), the salary compensation can be lowered to a minimum of <b>60% of the employee's average salary.</b> However, in Slovakia, the employer cannot decide unilaterally about serious operation reasons – they can only be agreed upon with employee representatives. Also, such agreements may not be concluded individually with particular employees.</p>
<p><b>Other issues</b></p>	<p>Employers shall proceed sensitively and without discrimination.</p>

Issue	Hungary – status as of March 20, 2020
<b>General Status</b>	Proclamation of a <b>state of emergency</b> by the Hungarian Government from March 11, 2020, for an indefinite period
<b>Health &amp; Safety (including disease prevention)</b>	<p>The employer’s <b>obligation to ensure security and hygiene at work and its legal preventive duty</b> shall in this Covid-19 crisis include, at least:</p> <ul style="list-style-type: none"> <li>- close monitoring of the situation,</li> <li>- informing the employees about governmental measures, employer’s measures, how to act, and about standard hygienic behaviour</li> <li>- asking the employees to inform the employer about risky factors (their travel/return from risky regions, contact with risky persons, etc.)</li> <li>- instructing employees feeling sick not to attend the workplace, to contact their physician and stay on sick leave or use sick days</li> <li>- having a special contact person and updating employee’s contacts</li> <li>- increasing hygienic standards at the workplace</li> <li>- using teleconferences</li> <li>- limiting contact among people</li> <li>- equipping employees with protective means</li> <li>- having action plans, etc.</li> </ul> <p>During the term of the state of emergency plus 30 days, the employer can take all necessary and justified measures to check the health status of employees.</p>
<b>Mandatory quarantine of employees</b>	<p>Quarantine is ordered by the hygiene inspectorate or a physician (not the employer).</p> <p>An employee is obliged to notify his/her employer of his/her absence and is entitled to receive <b>sick leave allowance paid by Social Security</b>.</p> <p>Violation of the quarantine is strictly sanctioned as a petty offence (i.e. a fine, a petty offence arrest (1-60 days), etc.) and criminal law (custodial arrest – 5-90 days) rules.</p>
<p><b>Preventive quarantine (isolation) of employees</b></p> <p><b>Instruments if the employer does not wish them at work and the conduct</b></p>	<p><b>Agreement on paid leave:</b> a unilateral order to take paid leave can be issued in writing at least 15 days prior to the start of paid leave; with the employee’s agreement the paid leave (holiday) can start immediately. During paid leave, the employee is entitled to receive <b>100% of his/her absence fee</b> (broadly speaking a fee due for non-working periods, in most cases corresponding to the base salary).</p> <p><b>Remote work can be ordered by the employer unilaterally</b> (this is possible during the term of the state of emergency plus 30 days; generally home office can be unilaterally ordered for a maximum of 44 work days annually, while a longer period - remote work – necessitates amending the employment contract). Costs incurred by the employee are to be paid by the employer, for example, internet connection, electricity, etc.; security</p>

<p><b>recommended by the respective Governments</b></p>	<p>and hygiene at work must be assured even at home, other aspects such as reporting, cybersecurity, etc., are to be taken into account by the employer). The employee is paid with <b>his/her salary</b>.</p> <p><b>Rescheduling of shifts</b> is possible, provided that the employee is notified about any modification of his/her shifts based on such planning 168 hours in advance at the latest, unless there is another agreement with the employee. The amendment of already communicated shifts is also possible (generally there is a 96-hour statutory notice period, but this rule is suspended for the duration of the state of emergency plus 30 days).</p> <p>An order to <b>take compensatory leave for overtime work</b> can be made if agreed upon instead of overtime compensation performed within the last month and not yet compensated by overtime compensation.</p> <p>Requests from employees for unpaid leave or for supplementary spare leave which will be made up for in the future can be accepted. These measures cannot be imposed by the employer.</p> <p>If no such measure is possible or agreed upon, the employee will have “obstacles” for which downtime rules would be applicable (see below).</p>
<p><b>Employee refusing to work</b></p>	<p>An employee can only refuse to work if there is a reasonable concern that the performance of work might threaten the employee’s or a third party’s health or life, otherwise such absence might be considered as unexcused (leading in the worst case to the termination of employment).</p> <p>The concrete situation, nature of the work, condition of the employee and other aspects are to be taken into account and, if possible, matters should proceed as in the case of preventive isolation above.</p>
<p><b>Care leave (schools closed)</b></p>	<p>Employers are obliged to allow employees caring for <b>children</b> (no age specified by relevant laws) to take care leave if their children cannot attend school due to school quarantine or if the school has been closed (for reasons of epidemic) as a situation deserving special consideration due to personal/family reasons or unavoidable circumstances.</p> <p>The employee shall inform the employer thereof.</p> <p>The employees are not entitled to payment for the duration of their care leave.</p> <p>If employers, at their discretion, allow employees caring for children to take leave, the parties can decide on the term of such leave. The employees are not entitled to payment for the duration of this leave, but the parties may agree otherwise.</p>
<p><b>Limitation of production, temporary closure of employer/its part</b></p>	<p>Due to governmental decisions, many establishments were closed for the public and other entrepreneurs are suffering losses due to a lack of staff, and a decrease in demand for their products or services.</p>

	<p>In case of obstacles on the employer's side causing that the employee cannot work ("<b>downtime</b>"), <b>the employee is entitled to receive base salary</b>, unless the downtime is caused by unavoidable external reasons. This is to be determined on a case by case basis, but it is generally agreed that mandatory quarantine or mandatory closure of stores would qualify as such, while supply chain problems would only if these are directly connected to the epidemic and there is no reasonably available alternative supplier.</p>
<b>Other issues</b>	<p>During the term of the state of emergency plus 30 days, the employer and the employee may reach an agreement derogating from any provision of the Labour Code.</p> <p>Employers shall proceed sensitively and without discrimination.</p>

Issue		Romania – status as of March 20, 2020
<b>General Status</b>	Announcement of a <b>national state of emergency</b> by the President of Romania starting on March 16, 2020 for a 30-day period.	
<b>Health &amp; Safety (including disease prevention)</b>	<p>Certain specific measures should be taken by employers for <b>disease prevention</b>:</p> <ul style="list-style-type: none"> <li>- conducting an analysis in order to prioritize essential/relevant services from non-essential ones, while respecting the rights to safety and health at work of the employees;</li> <li>- ensuring the safety and health of employees in all aspects related to work and adopting necessary measures for: (i) ensuring the safety and protection of the employees' health; (ii) prevention of professional risks; (iii) information and training of employees; (iv) providing protective equipment (masks, protective gloves, etc.);</li> <li>- determining the nature and level of risk for any activity that may present a risk of exposure to COVID-19 and establishing preventive measures (e.g., limitation of exposure/ contact; elaboration of a plan of measures; the immediate announcement of the competent Public Health Department).</li> </ul>	
<b>Mandatory quarantine of employees</b>	<p><b>Mandatory (institutionalized) quarantine</b> is established for people who do not have symptoms, but return from areas with extended community transmission ("<b>Red Zone</b>") for a period of 14 days, in special designated spaces made available by the local authorities.</p> <p>Quarantine is legal suspension of the individual employment contract (employees do not work and, consequently, do not receive a salary).</p> <p>Employees in quarantine benefit from medical leave, medical certificates being issued based on certificates issued by specialized bodies of public health departments.</p> <p>Employees are entitled to <b>an allowance</b> in the amount of <b>75% of the average monthly gross income</b> for the last 6 months, up to 12 gross minimum wages per month, fully-supported by the budget of the single national health insurance fund.</p>	
<b>Preventive quarantine (isolation) of employees</b>	<p><b>Self-isolation at home</b> is established for a period of 14 days, for people who (i) travelled in the last 14 days in regions/localities in the areas affected by COVID-19, other than those with extended community transmission ("<b>Yellow Zone</b>"), (ii) came into direct contact with people with symptoms and who travelled in a Red Zone; (iii) have come into direct contact with persons confirmed as having been infected with COVID-19; (iv) they are family members of persons mentioned in paragraphs (i)-(iii) above.</p>	
<b>Instruments if the employer does not wish them at work</b>	<p>Self-isolation at home represents also a <b>form of quarantine</b> under the scope of Order 414/2020 on the establishment of the quarantine measures for people in the emergency situation of international public health determined by the COVID-19 infection and on measures for preventing and</p>	

<p><b>and the conduct recommended by the respective Governments</b></p>	<p>limiting the effects of the epidemic. Self-isolation is a case of legal suspension of the individual employment contract and the employees benefit from <b>medical leave under the same terms/conditions as in case of institutionalized quarantine</b>.</p> <p>Employers may agree with their employees that they should perform <b>their work at home</b> insofar as the specific activity of the employer allows such a working regime and provided that an additional clause is concluded to his individual employment contract, which will provide for this possibility and its duration. The same would apply for teleworking.</p> <p><b>Teleworking</b> is the form of organizing the work by which the employee, on a regular and voluntary basis, performs the duties specific to the job, profession or occupation he/she has, in another place than the employer’s place of work, at least one day per month, using information and communication technology.</p> <p>During the emergency state period, the private/public companies are required to implement, where possible, home working or teleworking, by unilateral decision of the employer.</p>
<p><b>Employee refusing to work</b></p>	<p>Refusal of work may give the employer the right to suspend the employment agreement unilaterally or terminate the employment for reasons related to the employee.</p> <p>If the reason is legitimate (i.e., the employee is vulnerable) and there are opportunities for the employee to work at home, for instance, this solution may be chosen.</p> <p>In principle, each case of refusal should be assessed separately, taking into account its particularities.</p>
<p><b>Care leave (schools closed)</b></p>	<p>Based on the Law 19/2020 on granting days off to parents for the supervision of their children, parents are given paid days off for the supervision of their children in the case of suspension of courses or temporary closure of educational facilities due to adverse weather conditions or other extreme situations officially instituted by the authorities (e.g., the Covid-19 epidemic).</p> <p>One parent has the right to stay at home with the child if (i) the child is up to 12 years old, enrolled in a school (or, in the case of a child with disabilities, if he/she is up to 18 years of age and is registered in a school) when schools are closed due to adverse weather conditions or other extreme situations so decreed by the competent authorities with responsibilities in the field and (ii) the work cannot be performed from home or by using teleworking.</p> <p>The allowance for each day off shall amount to 75% of the salary corresponding to a working day but no more than 75% of the gross average salary income used for the calculation of the social security budget. The allowance is subject to taxation and payment of social insurance contributions. The amounts for the payment of the allowance shall be settled from Guarantee Fund for the Payment of the Salaries only for the period of the educational units closure or suspension of courses. Employers may only request the settlement of the net allowance actually received by the parent.</p>

<p><b>Limitation of production, temporary closure of employer/its part</b></p>	<p>Depending on the particular context, employers can unilaterally decide to temporarily reduce/close their activities, thus suspending their employment relationships with employees. The employer is obliged to pay the employees an allowance of <b>at least 75% of their basic salary</b>.</p> <p>The employment relationships may be suspended by law based on a force majeure event (which is defined as an external, unpredictable, absolutely invincible and inevitable event). During such a suspension, the employees would not be entitled to the payment of a salary, nor to any other type of compensation. Such <b>force majeure</b> may be the occurrence of epidemics.</p> <p>According to the Government Emergency Ordinance no. 30/2020 on amending existing regulations as well as on establishing measures in the field of social protection in the context of the epidemiological situation determined by the spread of the SARS-CoV-2 coronavirus, as published in the Official Gazette no. 231/21.03.2020 ("GEO 30/2020"), for the companies closing/reducing their businesses by suspending the employment contracts of their employees, during the state of emergency, the state will cover the technical unemployment allowance. At the same time, the state will provide support to other companies having employees in technical unemployment, if they have been indirectly affected by coronavirus, however under certain conditions. Hence, in the case of technical unemployment, during the state of emergency, for the period of suspension of the individual employment contract at the initiative of the employer, in case of temporary interruption of the activity, the allowance which the employees' benefit, shall be borne from the unemployment insurance budget. The amount of the allowance to be borne from the unemployment insurance budget cannot exceed however 75% of the gross average wage stipulated by Law no. 6/2020 regarding the state social insurance budget for 2020. The detailed conditions to qualify for such subsidies are provided under the GEO 30/2020.</p>
<p><b>Other issues</b></p>	<p>Employers shall proceed sensitively and without discrimination.</p>

Issue	Bulgaria – status as of March 20, 2020
<b>General Status</b>	Proclamation of a <b>state of emergency</b> by the Bulgarian Parliament from March 13, 2020 to April 13, 2020.
<b>Health &amp; Safety (including disease prevention)</b>	<p>The employer’s general <b>obligation to ensure health and safety</b> shall, in this Covid-19 crisis, include, among others:</p> <ul style="list-style-type: none"> <li>- close monitoring of the situation,</li> <li>- informing the employees about employer’s measures, how to act, and about standard hygienic behaviour</li> <li>- asking the employees to inform the employer about risky factors (their travel/return from risky regions, contact with risky persons, etc.)</li> <li>- instructing employees feeling sick not to attend the workplace, to contact their physician and stay on sick leave where prescribed by the latter</li> <li>- increasing hygienic standard at the workplace</li> <li>- reducing meetings and, generally, physical contact among people</li> <li>- equipping employees with protective means</li> </ul> <p>The Bulgarian government expressly requires that employers:</p> <ul style="list-style-type: none"> <li>- organize work from home unless not possible depending on the particular circumstances</li> <li>- in cases where home office is not possible, work activities should be re-organized in a way that a distance of at least 1 metre is ensured</li> <li>- increase anti-epidemic measures, including filtration, disinfection, ventilation, and to give instructions to limit work not substantial for the operations of the employer</li> </ul>
<b>Mandatory quarantine of employees</b>	<p>Quarantine is ordered by a physician, border health authorities or a health inspector (not the employer).</p> <p>An employee is obliged to notify his/her employer of his/her absence and is entitled to receive a <b>sick leave allowance</b> during the quarantine period – the first 3 days are paid by the employer and are up to 70% of the average daily gross remuneration, the days following the 3rd day are paid by the state and are up to 80% of the average daily gross remuneration.</p> <p>Violation of the quarantine is strictly sanctioned (including a financial penalty of up to 50,000 BGN (cca EUR 25,000) and imprisonment up to 5 years).</p>
<b>Preventive quarantine (isolation) of employees</b>	<p><b>Paid leave:</b> currently, employees cannot be ordered to take leave with a few exceptions which are subject to certain conditions and not automatically applicable in the present context, i.e., an additional analysis based on the specific situation of the particular employer and employees is necessary. Otherwise, paid leave can be agreed upon, and during paid leave, the employee receives <b>his/her salary</b>. Legislative changes are about to be introduced in the near future which might allow employers to order paid or unpaid leave due to the state of emergency.</p>

<p><b>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</b></p>	<p><b>Home-office</b>, if possible, with respect to the nature of the work and accepted by the employee. <b>Home-office cannot be ordered at present</b>, legislative changes allowing such order might be introduced in the near future. The employer is obliged to ensure, on its own account, the necessary equipment for the remote work (including software, maintenance, communication devices, internet connection, etc.). The individual employment contract might provide for the use of an employee's personal device/s as well, including the rights and obligations in this regard. The employee is paid with <b>his/her salary</b>.</p> <p>Other options aimed at limiting physical contact among employees (e.g. flexible working time, part-time work, work on shifts, etc.) can be implemented under certain conditions, but they apply to cases with the physical presence of employees at their workplaces.</p> <p>Requests from employees for unpaid leave which will be made up for in the future can be accepted. These measures cannot be imposed by the employer for the time being. A legislative change might be introduced soon in this respect.</p> <p>If no such measure is possible or agreed upon, the employee will have “obstacles” resulting in an obligation for payment of 100% gross remuneration.</p>
<p><b>Employee refusing to work</b></p>	<p>An employee can refuse to work if there is a <b>serious and imminent threat to his/her health and life</b>, otherwise such absence might be considered as unexcused (leading in the worst case to the termination of employment). If an employee cannot go to work due to a disaster such absence would also be excused and the employer should pay him/her compensation in the amount of 50% of his/her gross remuneration but in any event not less than 75% of the minimum wage in Bulgaria. However, it is questionable whether the current situation (i.e., the declared state of emergency) could be considered as a disaster.</p> <p>The concrete situation, nature of work, condition of the employee and other aspects are to be taken into account and, if possible, matters should proceed as in the case of preventive isolation above.</p>
<p><b>Care leave (schools closed)</b></p>	<p>Employees receive a <b>sick leave allowance</b> if they are taking care of a <b>child (under the age of 18) under quarantine</b> or of a <b>healthy child</b> who cannot visit his/her kindergarten due to a quarantine of the kindergarten.</p> <p>For the time being all schools and kindergartens have been closed by virtue of an order of the Minister of Health (no COVID-19 case reported in schools or kindergartens by the time of closing) and thus sick leave would be applicable in our opinion only if individual quarantine is imposed with respect to a particular child.</p> <p>During the period of sick leave the first 3 days are paid by the employer and are <b>up to 70% of the average daily gross remuneration</b>, the days following the 3rd day are paid by the state and amount to up to <b>80% of the average daily gross remuneration</b>.</p>

<p><b>Limitation of production, temporary closure of employer/its part</b></p>	<p>Due to governmental decisions, many establishments have been closed to the public and other entrepreneurs are suffering losses due to a lack of staff, and a decrease in demand for their products or services.</p> <p>Yet, it is not currently fully clear whether, from an employment law perspective, companies are in a formal state of suspension of work within the meaning of the Bulgarian Labour Code. If the respective company is really prevented from doing business it should be able to declare suspension of work by issuing an order to this end. The concept of suspension in the context of the COVID-19 pandemic might be clarified in the near future by virtue of legislative changes in this respect.</p> <p>In case of suspension of work, companies are obliged to pay to the employees <b>their salaries</b>.</p> <p>If the suspension of work continues for more than 5 business days, the employer will be entitled to <b>order paid leave</b> to its employees.</p> <p>Further, if the period of suspension continues for more than 15 business days, the employer might proceed to <b>termination of employment</b> with part or all of its employees.</p>
<p><b>Other issues</b></p>	<p>Employers shall proceed sensitively and without discrimination.</p>

Issue	Belarus – status as of March 19, 2020
<b>General Status</b>	<p>The President of the Republic of Belarus <u>has not declared</u> a state of emergency. No quarantine or other specific restrictive regime has yet been officially announced by the Republic of Belarus.</p> <p>Only the following official measures have been introduced by the Council of Ministers of the Republic of Belarus:</p> <ul style="list-style-type: none"> <li>- a restriction on holding mass events with international participation in the territory of the Republic of Belarus (since March 12, 2020)</li> <li>- monitoring of public facilities for properly functioning ventilation shafts, the presence of antiseptics and compliance with other sanitary standards (since March 12, 2020).</li> </ul>
<b>Health &amp; Safety (including disease prevention)</b>	<p>Under the Belarusian Labour Code there is a general obligation of the employer to ensure <b>security and hygiene at work and take necessary measures</b> to prevent diseases, including Covid-19. Such measures, may, inter alia, include the following:</p> <ul style="list-style-type: none"> <li>- close monitoring of the situation on the website <a href="http://minzdrav.gov.by/en/">http://minzdrav.gov.by/en/</a>,</li> <li>- informing the employees about governmental measures, employer’s measures, how to act, and about standard hygienic behaviour</li> <li>- asking the employees to comply with the personal hygiene rules and preventive care (regular washing of hands with soap, treating desks and laptops with antiseptic agents etc.)</li> <li>- asking the employees to inform the employer about risky factors (their travel/return from risky regions, contact with risky persons, etc.)</li> <li>- instructing employees feeling sick not to attend the workplace, to contact their physician and stay on sick leave or use sick days</li> <li>- increasing hygienic standards at the workplace</li> <li>- using teleconferences</li> <li>- limiting contact among people</li> <li>- equipping employees with protective means</li> <li>- having action plans, etc.</li> </ul> <p>Belarusian legislation allows employers to:</p> <ul style="list-style-type: none"> <li>- use, to the maximum extent, distant work if employees can work and agree to work from home</li> <li>- encourage paid holidays and other paid leaves</li> <li>- limit work not substantial for the operations of the employer</li> <li>- suspend the employee from work if the employee has symptoms of illness.</li> </ul>
<b>Mandatory quarantine of employees</b>	<p>To date, mandatory quarantine in the Republic of Belarus has not been declared.</p> <p>Quarantine may be ordered by the Hygiene and Epidemiology Department of the Ministry of Health of the Republic of Belarus (not the employer).</p>

	<p>The employer has the right to suspend the work of the employee if the employee has symptoms of illness. The employee shall go to a doctor and obtain sick leave for 14 days or another period determined by the doctor based on the course of the illness.</p> <p>An employee is obliged to notify his/her employer of his/her absence by providing it with an official sick leave notice and is entitled to receive salary compensation of 80% of adjusted average earnings, in the first 12 calendar days and 100% – for the following days.</p> <p>Sick leave allowance is paid by Social Security.</p>
<p><b>Preventive quarantine (isolation) of employees</b></p> <p><b>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</b></p>	<p><b>Agreement on paid leave:</b> The period of self-isolation can be included in the annual leave if already planned in the vacation schedule. If annual leave has not yet been planned for this period, the employer should seek consent from the employee. During paid leave, the employee is entitled to get <b>100% of his/her average earnings</b>.</p> <p><b>Agreement on home-office (distant work),</b> if possible, with respect to the nature of the work, and if accepted by the employee. There are certain requirements under the Labour Code as to distant work. It may be recommendable for the employer to elaborate a Manual on home-office work (working hours, ways to get in touch, control over work done, work safety rules at home, etc.). The employee is paid with <b>his/her salary</b>.</p> <p><b>Agreement on unpaid social leave</b> is generally for no more than 30 calendar days, longer period is possible under certain conditions. Such type of leave can be provided <b>only based on an application from and the consent of the employee</b>.</p>
<p><b>Employee refusing to work</b></p>	<p>An employee can only refuse to work if there is a reasonable concern that the performance of work might threaten the employee's or a third party's health or life, otherwise such absence might be considered as unexcused (leading in the worst case to the termination of employment).</p> <p>Today, in light of the lack of a state of emergency being officially declared, the refusal of an employee to work because of the danger of getting infected with COVID-19 may be considered as a ground for dismissal in the Republic of Belarus.</p> <p>The concrete situation, nature of work, condition of the employee and other aspects are to be taken into account and, if possible, matters should proceed as in the case of preventive isolation above.</p>
<p><b>Care leave (schools closed)</b></p>	<p>So far quarantine in schools and other educational organizations of the Republic of Belarus has not been declared. No specific leaves are provided in this respect.</p>
<p><b>Limitation of production,</b></p>	<p>Currently, all establishments, factories, and organizations are operating in a normal mode in the Republic of Belarus.</p>

<b>temporary closure of employer/its part</b>	
<b>Other issues</b>	-

Issue		Russian Federation – status as of March 18, 2020
<b>General Status</b>	<p><b>A state of emergency has not currently been proclaimed by the Russian Government, however, most of the territorial entities of Russia have proclaimed a regime of high alert (in Moscow – from March 5, 2020). Restrictive measures are adopted in an operative manner, so we recommend monitoring the situation on a constant basis.</b></p>	
<b>Health &amp; Safety (including disease prevention)</b>	<p>The employer’s actions to <b>ensure security and hygiene at work and its legal preventive duty</b> shall in this Covid-19 crisis include, at least:</p> <ul style="list-style-type: none"> <li>- close monitoring of the situation</li> <li>- informing the employees about governmental measures, employer’s measures, how to act, and about standard hygienic behaviour</li> <li>- asking the employees to inform the employer about risky factors (their travel/return from risky regions, contact with risky persons, etc.)</li> <li>- instructing employees feeling sick not to attend the workplace, to contact their physician and stay on sick leave</li> <li>- increasing hygienic standards at the workplace</li> <li>- assisting employees in observing the self-isolation regime</li> <li>- limiting corporate events, participating in mass events</li> <li>- checking the body temperature of employees</li> <li>- obligatory suspension from work of employees who have symptoms of the virus</li> </ul>	
<b>Mandatory quarantine of employees</b>	<p>Quarantine may be ordered by a medical institution (not the employer).</p> <p>Obligatory self-isolation applies with respect to citizens who arrived from “unfavourable” countries (including EU countries, the USA, the UK, etc.), persons who are living with such citizens as well as for those persons who have a relevant prescription from physician. During this period the person shall stay in his/her premises and avoid going to work, school, a public place (in practice the list of recommended measures is extended).</p> <p>People who are subject to self-isolation are entitled to sick leave and salary compensation; the amount of such compensation is calculated “as usual” depending on the length of work experience and other factors. The Russian government intends to set-up an increased amount of sick leave for those employees who are under quarantine and special order of sick leave payment.</p> <p>Violation of the quarantine is strictly sanctioned (including a criminal liability of up to 5 years of imprisonment).</p>	
<b>Preventive quarantine (isolation) of employees</b>	<p><b>Agreement on paid leave:</b> an employee may not be forced to take paid leave, unless it was already set up in the vacation schedule which shall be issued in December of the previous year. However, the parties may agree on the provision of paid leave by mutual agreement. Under the general rule, the employee shall be notified of the commencement of paid leave in writing at least 14 days prior to start of paid leave, with the employee’s agreement the paid leave (holiday) can start immediately. During the paid leave, the employee is entitled to get <b>100 % of his/her average monthly salary (calculations are done “as usual”)</b>.</p>	

<p><b>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</b></p>	<p><b>Agreement on unpaid leave:</b> an employee may not be forced to take unpaid leave, however such may be provided to an employee upon the parties' agreement. Upon the request of certain categories of employees (retired people, the disabled, up to 5 days due to specific reasons: birth, death, marriage, etc.) unpaid leave shall be granted by the employer and in other cases set out in the collective agreement.</p> <p><b>Agreement on home-office (distant work)</b> – if possible, with respect to the nature of the work and accepted by the employee. Home-office cannot be ordered. It is recommended to enter into the additional agreement on “distant work” and cover the relevant aspects of such as regime of working hours, reporting, cybersecurity, etc. The employee is paid with his/her salary in full, unless the parties have agreed on reduced working hours and salary.</p> <p><b>Reduced working hours/Rescheduling of shifts</b> cannot be done by the employer on a unilateral basis (unless there is a risk of mass staff reduction with 2 months' preliminary notification) however, it may be agreed upon between an employee and employer. The employer is obliged to set up a reduced working hours regime with respect to certain categories of employees upon their request (e.g., pregnant women, parents of children under 14 years of age, an employee taking care of a sick family member). Payment under a reduced working hours regime shall be performed proportionally to the worked hours.</p> <p>The Ministry of Labour issued recommendations with regard to the working regime of state authorities: flexible working time and distant work. At the same time, there are no official clarifications with regard to the working regime in commercial companies though it is recommended to apply home-office.</p>
<p><b>Employee refusing to work</b></p>	<p>An employee can only refuse to perform work, if such work directly threatens an employee's health and life, otherwise such absence might be considered as unexcused (leading in the worst case to the termination of employment).</p> <p>The concrete situation, nature of work, condition of the employee and other aspects are to be taken into account and, if possible, matters should proceed as in the case of preventive isolation above.</p>
<p><b>Care leave (schools closed)</b></p>	<p>Employees who have children up to 7 years old are entitled to take sick leave allowance if their children cannot attend kindergarten due to quarantine. The Russian government is planning to set up additional guarantees to all employees having children in quarantine, however such measures have not yet been adopted.</p> <p>There is no specific care leave for employees having children, however the employer shall provide to certain categories of employees unpaid leave for the period of up to 14 calendar days if this is provided in a collective agreement (an employee having 2 or more children under 14 years of age, taking care of disabled children under 18 years of age, single fathers having children under 14 years of age) or the parties may agree on the provision of unpaid leave to such employees. Care leave compensation in case of quarantine is paid for the whole period of quarantine.</p>

<p><b>Limitation of production, temporary closure of employer/its part</b></p>	<p>Currently, due to governmental decisions, certain state bodies are working in a limited manner (e.g., courts, migration authorities), entrepreneurs as well are suffering losses due to lack of staff, and a decrease in demand for their products or services. Despite this fact, there is no direct legal mechanism/tool for the employer to decrease salary or suspend activities of the company due to Covid-19.</p> <p>The following options may be considered as extreme measures: under circumstances independent of the will of the parties – down-time in work (temporary suspension of work of an economic, technological, technical or organizational nature), and reduction of staff.</p> <p>Each of the options has its own particularities and is to be considered in each particular case, as the relevant procedures prescribed by law shall be observed.</p> <p><b>Down-time in work</b> Causes beyond the parties’ control include, in particular, suspension of production due to natural disasters, major accidents, and other emergency situations. An employer is obligated to pay employees at least 2/3 of their basic salaries in proportion to the period of downtime.</p> <p><b>Reduction of staff</b> Reduction of staff shall be duly reasoned and the employer shall observe the relevant procedures, such as issuance of an order on reduction of staff, giving the employee a written notice of dismissal no later than two months in advance, offering the employee another available job, considering the pre-emptive right to preserve a position at work, notification of trade union and employment services, and paying severance payment to the redundant employees.</p>
<p><b>Other issues</b></p>	<p>Employers shall proceed sensitively and without discrimination.</p>

Issue	Poland – status as of March 19, 2020
<b>General Status</b>	Proclamation of a <b>state of epidemic emergency</b> by the Polish Minister of Health from March 15, 2020 until further notice.
<b>Health &amp; Safety (including disease prevention)</b>	<p>The employer shall, as far as possible, ensure that SARS-CoV-2 does not spread in the workplace. This means, above all, the organization of work that will limit personal contact among the employees, and the employees and the clients, by, e.g., cancellation of meetings or communication via means of remote communication. Where possible, the employers shall instruct employees to work remotely (the decision to order remote work is the sole responsibility of the employer).</p> <p>Employees performing work in direct contact with clients may be particularly at risk. Such employees should be properly informed about the hazards and equipped with personal protective equipment, provided that the risk assessment carried out by the employer indicates that they are necessary for the given workplace.</p> <p>The employer shall inform the employees about the occupational risk associated with the work performed and about the principles of protection against threats. Therefore, the issue of information flow between the employer and employees is particularly important in order to provide them with current guidelines on how to behave in the workplace in changed circumstances caused by the threat of the coronavirus. It is recommended that the employer prepare appropriate instructions – guidelines, recommendations – directed to the employees showing them how to work in the event of a threat of SARS-CoV-2 (regarding, among others, contact with employees, clients and personal hygiene).</p> <p>Moreover, due to the spread of SARS-CoV-2, the Polish Ministry of Development, in cooperation with the Polish Chief Sanitary Inspector, prepared the following recommendations for employers for their workplaces:</p> <ul style="list-style-type: none"> <li>- Keep a safe distance among employees (1-1.5 metres).</li> <li>- Promote regular and thorough washing of hands by employees staying in public places: with soap and water or disinfecting hands with an alcohol-based (min. 60%) fluid.</li> <li>- Ensure that the employees, the customers and the contractors have access to places where they can wash their hands with soap and water.</li> <li>- Place disinfectant dispensers in a visible place in the work area and ensure that these dispensers are refilled regularly.</li> <li>- Place information on how to wash hands in a visible place (a graphic example is attached herein).</li> <li>- Combine this with other means of communication, such as staff training by health and safety specialists.</li> <li>- Pay special attention to recommendations that during work, one should not touch the face, especially the mouth, nose and eyes with the hands, and to also observe coughing and breathing hygiene. Protective masks are not recommended for healthy people. Protective face masks should be worn by sick people, caregivers and medical staff working with patients suspected of having coronavirus infection.</li> <li>- Make every effort to keep workplaces clean and hygienic: <ul style="list-style-type: none"> <li>o surfaces including desks, counters and tables, door handles, light switches, handrails and other objects (e.g., telephones, keyboards) must be regularly wiped with a disinfectant or wiped with water and detergent,</li> <li>o all frequently used areas, such as toilets, common areas, etc., should be cleaned regularly and thoroughly, using water and detergent.</li> </ul> </li> <li>- Limit business trips and foreign delegations to a minimum</li> </ul>

	<p>For sanitary and epidemiological reasons, the Chief Sanitary Inspector recommends limiting business trips and foreign delegations to a minimum. According to the position of the National Labour Inspectorate, an employee has the right to refuse participation in a foreign delegation if there is transmission of the coronavirus in the country to which he/she is supposed to go.</p>
<p><b>Mandatory quarantine of employees</b></p>	<p>Quarantine is ordered by the Polish Chief Sanitary Inspector or by a physician. According to the new epidemic threat law, also any person crossing the border, is obligated to undergo quarantine for 14 days (except for professional drivers, sea and aircraft crew, and soldiers).</p> <p>A person who undergoes quarantine is treated equally to a person unable to work due to illness, so it is justified absence from work.</p> <p>If an employee under 50 years of age is sick or quarantined, his/her monthly pay (80% of the remuneration) is covered by the employer for 33 days during one calendar year (14 days if he/she is at least 50 years old). Subsequently, sickness benefit is paid by the Social Security Institution. The time of incapacity for work adds together, regardless of its amount and the length of breaks.</p> <p>It is not clear whether such person can work remotely from home, if she/he has no symptoms and agrees to work. In our opinion this is acceptable – in such case an employee is entitled to his/her regular salary.</p> <p>Violation of the quarantine is sanctioned by a financial penalty up to <b>5,000 PLN</b> (it is an offence). However, if a person knows that he/she is afflicted with COVID-19 and exposes another person to an immediate danger of infection (e.g., by personal contact), this is subject to a fine, the penalty of limitation of liberty or the penalty of <b>deprivation of liberty for up to 1 year</b> (it is a crime).</p>
<p><b>Preventive quarantine (isolation) of employees</b></p> <p><b>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</b></p>	<ol style="list-style-type: none"> <li>1) the employer may instruct the employee to perform, for a fixed period, work specified in the employment contract, outside the place of its permanent performance (<b>remote work</b>);</li> <li>2) the employer may grant the employee <b>unpaid leave</b> (the employee's written request is required) <b>and current paid holiday leave</b> (the employee's consent is required)</li> <li>3) the employer may grant the employee <b>overdue paid holiday leave</b> (the employee's consent is not required);</li> <li>4) the employer may grant an employee <b>a release from work for overtime work</b> (instead of overtime pay)</li> <li>5) the employer may <b>terminate the terms and conditions of work and pay</b> arising from the contract (e.g., a reduction of the employee's working time). Notice of termination of the current terms and conditions of work and pay is not required when an employer entrusts the employee with duties other than those under the employment contract for 3 months.</li> </ol> <p>If no such measure is possible or agreed upon, and the employee is ready for work but cannot perform work for reasons attributable to the employer (this is understood broadly – the COVID-19 disease is probably included in this) such situation is called "interruption of work". See below.</p>
<p><b>Employee refusing to work</b></p>	<p>An employee can only refuse to work if the working conditions are contrary to the regulations on health and safety at work and pose an imminent danger to an employee's life and health, or if work performed by an employee poses an imminent danger to the life or health of other persons.</p> <p>The concrete situation, nature of work, condition of the employee and other aspects are to be taken into account.</p>

	<p>However, in our opinion, if the employer complies with the recommendations for the employers prepared by the Polish Ministry of Development, in cooperation with Polish Chief Sanitary Inspector, the risk that the employee's refusal to work is justified, will be minimal.</p>
<b>Care leave (schools closed)</b>	<p>If the nursery, children's club, kindergarten or school is closed because of COVID-19, an insured person (e.g., employee) who is absent from work due to the necessary provision of personal care of a child is entitled to additional childcare allowance. The allowance is valid for a period of <b>14 days</b>. The allowance is only valid until the child is <b>8 years old</b>.</p> <p>Notwithstanding the above, an employee is entitled to the childcare allowance on general principles – for a period of 14, 30 or 60 days (depending on the case).</p> <p>The allowance is not charged from the employer.</p> <p>If the childcare allowance limit is exceeded, and the employee is still absent from work due to taking care of a child, the employer may terminate a contract of employment without notice.</p> <p>Moreover, an employee raising at least one child up to 14 years of age is entitled to 16 paid hours or 2 paid days off in a calendar year.</p>
<b>Limitation of production, temporary closure of employer/its part</b>	<p>Due to governmental decisions, many establishments were closed for the public and other entrepreneurs are suffering losses due to a lack of staff, and a decrease in demand for their products or services.</p> <p>If an employee is ready for work but cannot perform work for reasons attributable to the employer (this is understood broadly – COVID-19 disease probably includes it), the employee is entitled to down time pay (calculated in a specific way, depending on the components of monthly pay), which cannot be lower than the minimum wage.</p> <p>If there is an interruption of work during the COVID-19 disease epidemic, the employer may entrust the employee with other appropriate work to be performed against payment of remuneration not lower than down time pay.</p>
<b>Other issues</b>	<p>Employers shall proceed sensitively and without discrimination. The Chief Sanitary Inspector and National Regional Sanitary Inspectors are authorized to order employers to take preventive or control measures and request information from them in this regard. These decisions are subject to immediate execution upon their delivery or announcement and do not require justification.</p>

Issue	Ukraine – status as of March 20, 2020
<b>General Status</b>	<p>Proclamation of a <b>quarantine</b> by the Ukrainian Government from March 12 to April 3, 2020.</p> <p>In the Chernivtsi and Zhytomyr regions an <b>emergency situation regime</b> was introduced from March 17, 2020, and in the Kyiv region – from March 18, 2020.</p> <p>The quarantine has been legally equated to <b>force majeure</b>.</p>
<b>Health &amp; Safety (including disease prevention)</b>	<p><b>The Law of Ukraine of March 17, 2020 No. 530-IX "On Amendments to Certain Legislative Acts of Ukraine aimed at Preventing the Occurrence and Spread of Coronavirus Disease (COVID-19)"</b> established that during the quarantine or restrictive measures associated with the spread of the coronavirus disease (COVID-19):</p> <ul style="list-style-type: none"> <li>- an employer may instruct an employee, including a civil servant, an employee of a local government body, to perform work specified in an employment contract <b>at home</b> for a certain period, and also upon the employee’s consent may place the employee, including a civil servant, an employee of the local self-government body, on <b>leave</b></li> <li>- the employer may <b>change its business hours</b> in relation to the provision of services to natural persons and legal entities. Information on such changes should be brought to the attention to the public through the use of websites and other communication means.</li> </ul> <p><b>Recommendations of the State Labour Service for employers to implement safety measures against the spread of COVID-19 at the workplace:</b></p> <ul style="list-style-type: none"> <li>- make sure the workplaces of employees are clean and hygienic</li> <li>- encourage regular and thorough hand washing by staff</li> <li>- place dispensers with disinfectants in all prominent places (near workplaces)</li> <li>- place posters in prominent places that promote handwashing and promote fresh air in the workplace</li> <li>- place posters with recommendations for preventing the spread of COVID-19 in the workplace</li> <li>- ensure that staff, contractors and customers (clients) have access to places where they can get access to water and soap</li> <li>- make sure face masks and other personal protective equipment are available in workplaces where there are crowds with a cold (cough). Special bins must be provided for the disposal of face masks.</li> <li>- avoid sending employees on business trips especially to areas affected by COVID-19</li> <li>- hold briefings and meetings with a wide range of professionals from outside work</li> <li>- people with a temperature of 37.3 °C or above should stay at home (or work at home)</li> <li>- employees returning from an area affected by COVID-19 should monitor their symptoms for 14 days and perform body temperature measurements twice a day</li> <li>- if employees returning from an area affected by COVID-19 have even a mild cough or very low temperature (37.3 °C or more), they should stay at home and self-isolate. This means avoiding close contact (one metre or closer) with other people, including family members</li> <li>- the employees mentioned above should also call a health institution or local health department, and provide them with detailed information about their health and recent travel</li> </ul>

	<ul style="list-style-type: none"> <li>- consider how to identify persons who may be at risk and support them, and not allow discrimination of persons working at the workplace</li> <li>- develop a plan for emergencies and the possibility of continuous business</li> </ul> <p><b>Recommendations of the Ministry for Development of Economy, Trade and Agriculture of Ukraine and the State Labour Service:</b></p> <ul style="list-style-type: none"> <li>- in case of the detection of primary signs of illness of an employee, employers are advised to immediately provide the referral of such employee for medical examination and the establishment of appropriate diagnosis</li> <li>- where possible, the use of remote work and (or) flexible working hours (including the reduction of crowds at peak hours) should be maximized, a part-time work regime should be introduced, taking into account the requirements set forth by law, and the realization of the right of employees to receive, at their request, paid and unpaid leave, which are provided upon mutual consent, and unpaid leave, which are mandatory for provision should be maximized as well.</li> </ul>
<p><b>Mandatory quarantine of employees</b></p>	<p>Ukrainian law does not provide for the obligation of employees to self-isolate in case of illness.</p> <p>Temporary disability assistance is provided to an insured person <b>due to illness</b> and is paid by the <b>Social Insurance Fund of Ukraine</b> starting from the sixth day of disability for the whole period before restoration of working capacity. Payment for the first five days of temporary disability due to illness shall be made at the expense of the employer.</p> <p>Temporary disability assistance <b>for the care of a sick child under the age of 14</b> is paid to the insured person from the first day for the period during which the child, according to a medical report, needs care, but not more than 14 calendar days. Temporary disability assistance <b>for the care of a sick child under the age of 14, if he/she requires hospital care</b>, shall be paid to the insured person from the first day of his/her stay in the hospital together with the sick child.</p> <p>Temporary disability assistance <b>for the care of a sick family member</b> is provided to an insured person from the first day, but not more than three calendar days, and in exceptional cases, taking into account the severity of the illness of the family member and household circumstances, no more than seven calendar days.</p> <p>If the temporary disability of the insured person is caused <b>by the quarantine</b> imposed by the bodies of the sanitary-epidemiological service, temporary disability assistance from the first day for all time of absence from work for this reason shall be provided.</p> <p><b>Temporary disability assistance is paid to insured persons depending on the length of insurance period:</b></p> <ol style="list-style-type: none"> <li>1) 50 percent of the average earnings (income) – to insured persons who have an insurance period of up to three years;</li> <li>2) 60 percent of the average earnings (income) – to insured persons a three- to five-year insurance period;</li> <li>3) 70 percent of the average earnings (income) – to insured persons with a five- to eight-year insurance period;</li> <li>4) 100 percent of average earnings (income) – to insured persons who have an insurance period of more than eight years and to categories of persons defined by law.</li> </ol>

	<p>Violation of quarantine rules is strictly sanctioned (a fine to citizens from EUR 576 to EUR 1,080, on officials – in the amount of EUR 1,080 to EUR 5,780).</p> <p>Violation of the rules and regulations established to prevent and control an epidemic and other infectious diseases, if such actions have caused or knowingly could have caused the spread of these diseases, is punishable under the Criminal Code by a fine of EUR 576 to EUR 1,728, or arrest for up to six months, or restriction of liberty for up to three years, or imprisonment for up to three years.</p>
<p><b>Preventive quarantine (isolation) of employees</b></p> <p><b>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</b></p>	<p><b>Regular vacations:</b> An employee can ask for any remaining part of regular paid vacation (e.g., annual main vacation for min 24 calendar days), unpaid vacation up to 15-days, which is subject to <b>mutual agreement</b> with employer.</p> <p><b>Specific vacations due to quarantine:</b> (1) unpaid vacation to be provided to mother, father, grandmother, grandfather or other relative, who cares for the child under 14 years old, or person who adopted the child under 14 years of age., stepparent of the child under 14 years of age. – employer is <b>obliged</b> to provide such vacation, if requested by employee; (2) unpaid vacation for the period of established quarantine (introduced by new law adopted due to quarantine) – subject to <b>mutual agreement</b> with the employer.</p> <p><b>A part-time work regime</b> may be set up under <b>mutual agreement</b> between the employee and employer. <b>It must be provided</b> at the request of a pregnant woman, a woman who has a child under the age of fourteen or a child with a disability, including one under care, or who is nursing a sick family member, according to a medical report. <b>Remuneration is paid in proportion to the completed work or depending on production.</b></p> <p><b>Remote work at home (upon the employee’s consent)</b>, if possible, with respect to the nature of the work, is allowed only for persons who have the necessary living conditions and their subsequent examination (in practice, in terms of quarantine employee confirms in written on his/her appropriate living conditions for work and no examination is conducted). At the agreement of the parties, the costs incurred due to performing work at home may be reimbursed to the employee (for example, internet connection, electricity, etc.). No changes in salary payment, unless agreed otherwise.</p> <p><b>Flexible working hours (upon the employee’s consent).</b> The start, end and length of working hours during the work day are at the discretion of the employee. Its application does not entail changes in regulation and compensation of employees, does not affect the procedure of calculation and the amount of additional payments, bonuses, does not provide benefits when calculating insurance period (including special) and other labour rights of employees. Such regime could be set for particular departments/positions.</p> <p><b>A shift work regime</b> may be adopted only upon the employee’s consent. A shift work regime could be set for particular departments/positions. Rotation of shifts must be defined, and a schedule of shifts must be adopted. In case of night time work (from 22:00 to 06:00), an extra charge of at least 20% of the salary of the employee must be paid. Certain categories of employees may not work during night hours (pregnant women, women with children under 3 years old, underage employee, others).</p> <p>If no such measure is possible or agreed upon, the employee will have “obstacles”, in most cases with 100% compensation. See below in “Employee refusing to work” and “Limitation of production, temporary closure of employer/its part”.</p>

<p><b>Employee refusing to work</b></p>	<p>An employee <b>has the right to refuse work</b> if a production situation is dangerous to his life or health or to the people around him or to the work environment or the environment. Otherwise, regular rules may be applied:</p> <ul style="list-style-type: none"> <li>- in case of absence of a good excuse – this is a ground for disciplinary penalty up to dismissal (certain categories of employees cannot be subject to disciplinary penalty, e.g., women with children under 3 years of age, etc.)</li> <li>- in case of the existence of a good excuse (illness) confirmed by medical certificate – sick leave</li> </ul> <p>During quarantine:</p> <ul style="list-style-type: none"> <li>- Closing of kindergartens is considered as a good excuse</li> <li>- Medical certificate can be issued to persons who are still healthy but came into contact with an infected person</li> <li>- Such employees above may be asked to work remotely from home (with their consent)</li> </ul>
<p><b>Care leave (schools closed)</b></p>	<p>At the request of the employee, <b>unpaid leave</b> must be provided for the mother, father, grandmother, grandfather or other relative, who actually cares for a child, or the person who has adopted or cared for a child, one of the adoptive parents or foster parents <b>for the care of a child up to 14 years of age during the quarantine period.</b></p> <p><b>Employees who have children or an adult child – a person with a childhood disability of the subgroup A of group I</b> must be provided an annual additional <b>paid leave of 10 calendar days</b> without holidays and non-working days. If there are several reasons for granting this leave, its total duration may not exceed 17 calendar days.</p> <p><b>If the child needs home care</b>, a woman must be provided <b>unpaid leave for the duration specified in the medical report</b>, but not more than until the child reaches the age of six. Childcare leave may be used in full or in part by the child's father, grandmother, grandfather, or other relatives who actually care for the child. At the request of the woman or persons mentioned above, they may work part-time or at home during their care leave.</p>
<p><b>Limitation of production, temporary closure of employer/its part</b></p>	<p>Due to governmental decisions, many establishments were closed for the public and other entrepreneurs are suffering losses due to a lack of staff, and a decrease in demand for their products or services.</p> <p>The employer, on its initiative, may adopt a decision on <b>production down-time</b> (of particular departments/employees/the entire entity) if there is an absence of the organizational or technical conditions necessary for the performance of work, or other circumstances. In a case of the employee's refusal to work if the production situation is dangerous to his or her life or health or to the people around him, <b>the employee should declare production down-time</b>, upon which the employer may adopt a decision on production downtime particularly for this employee.</p> <p>The production down-time, which is not caused by the fault of the employee, is paid at the rate of not less than two thirds of the tariff rate set for the employee discharge (salary).</p> <p>Employees may be transferred with their consent, taking into account the specialty and qualification, for another job at the same entity for the entire period of production down-time or to another entity, but in the same area for a term of up to one month.</p>

<b>Other issues</b>	Employers shall proceed sensitively and without discrimination.

*This document is for informational purposes only and may not be considered a legal opinion or advice on how to proceed in a particular case. The document reflects the status in each jurisdiction as of the date indicated in the section for the respective country. We recommend monitoring the information and observing the guidance available at the web sites of the competent institutions of the respective country. For further assistance please contact us at [covidhelpdesk@peterkapartners.com](mailto:covidhelpdesk@peterkapartners.com).*