

# Employment Flash

February 2020

## Coronavirus from the employer's perspective

*Given the growing questions and growing concern in society, we would like to bring up the possibilities offered by the Labour Code to employers in such situations and recommend measures that may be appropriate to take. We would also like to draw your attention to the steps which may contribute to peace in your company.*

Certainly, we do not want to undermine this disease (it is not for lawyers to judge) and we recommend to **monitor carefully the web pages** of the National Institute of Public Health ([here](#)), the Ministry of Health ([here](#)), and the Ministry of Foreign Affairs of the Czech Republic ([here](#)) where you can find all current information. It would be highly advisable to **inform your employees** about this and stress that you are closely monitoring the situation and in case of deterioration you are ready to respond immediately by taking appropriate measures. However, we recommend, first of all, maintaining a calm and factual approach to the situation and not to support the spread of fear, as is currently happening in certain sections of the media.

### Prevention above all

Coronavirus is a viral disease so classical prevention measures may be applied such as:

- increased hygiene – it is possible to provide employees with disinfectants (gels, soaps) or face masks;
- refrain from staying in places with a higher concentration of people at sporting and cultural events - if you had planned a team building or conference attendance, we recommend that you reconsider;
- avoid contact with people who are visibly ill;
- following a healthy diet supplemented with vitamins, etc.

It is also appropriate to temporarily limit business trips abroad and, where appropriate, to withdraw employees who have been posted abroad, in particular to areas that appear to be risky. If your company is often visited by clients or business partners from abroad, consider limiting such contacts, at least temporarily. Again, we recommend

that you approach the situation rationally and avoid exaggerated reactions that could, in extreme cases, disrupt your business relationships.

### What to do with Italian holidaymakers?

Italy, especially its northern regions which are very popular for skiing and where some of your employees may have been heading, is at the moment one of the sources of outbreaks. Do you have the right to ask employees to cancel their planned and approved holiday or to report a visit to such a region?

The Labour Code does not take such situations into account. With regard to the cancellation of the already planned and approved holiday, the employer is entitled to cancel or change the timing or to withdraw the employee from holiday leave, however, it must cover the costs incurred by the employee in this respect. So, before taking this vigorous step, we recommend that you talk to your employee about their holiday and, if necessary, agree on how the situation will be resolved when they return (see one of the options below).

As for the holiday destination of an employee, you are not entitled to ask as an employer, and the employee may or may not tell you. In the current situation, however, it seems appropriate to ask employees to notify the employer if they plan to visit the north of Italy or other high-risk destinations.

### So, what to do if you find out that one of your employees has returned from or will return from a high-risk destination?

- **home office:** If the nature of the work does not exclude it, it seems appropriate to use home office (only by agreement, the employee cannot be forced to do so);
- **ordering holiday:** If you know about the employee's planned holiday longer in advance, it is possible to order the employee to take a holiday for 14 days after their intended return (but this must be ordered at least 14 days in advance);

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- **send employees home due to the Obstacles to Work:** You can also send employees home due to obstacles at work, i.e. order them not to come to the workplace for a certain period of time. In such a situation, however, they are entitled to a 100% wage compensation from the employer;
- **unpaid holiday?** Employees cannot be forced to stay at work because of their stay in Italy or elsewhere in a potentially hazardous area on the side of the employee (i.e. to draw unpaid holiday), this may only be agreed (in writing);
- **extraordinary medical check-up?** Another option is to send employees for extra medical check-ups to your health service provider. The employee must comply, but we would advise you to consult with your health service provider in advance to verify that they will be able (and

willing) to carry out a coronavirus test. The employee could also attend a specialized medical facility designated in the region.

The word **'quarantine'** is also widely used in relation to coronavirus. Quarantine, as it is known in the Labour Code, can only be ordered by a doctor, and employees are then entitled to sickness benefits as in the case of temporary incapacity to work. It cannot therefore be the employer's decision.

We believe that the above will help you manage the current situation and will not affect the success of your company in 2020.

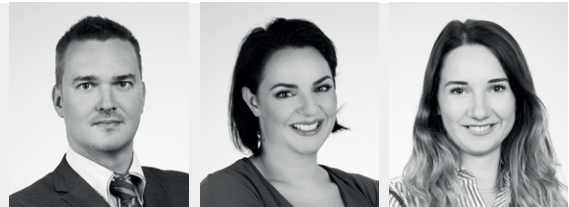
If you have any further questions, our Employment Law Team is happy to assist you!

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