



CORONAVIRUS AND EMPLOYEES – SLOVAKIA

Practical Solutions to Practical Problems

In this alert we provide you with an overview of the current situation in Slovakia as of 23 March 2020, as well as with answers to the most frequent questions that employers ask in relation to the COVID-19 outbreak.

Q: What is the current situation in Slovakia?

On 11 March 2020, the government of the Slovak Republic declared a state of emergency in the territory of the Slovak Republic.

The most important adopted measures, effective as of 7 a.m. on 13 March 2020, were:

Closure of schools: All schools - kindergartens, primary schools, secondary schools and universities were closed as of Monday 16 March 2020 for at least 14 days.

Introducing border controls, restricted entry: People without a permanent or temporary residence in Slovakia, who are not able to present a confirmation of employment in Slovakia, are not allowed to enter Slovakia.

Mandatory quarantine at home: All people coming from abroad will have a mandatory quarantine for 14 days.

Closure of stores and service providers: With effect from 16 March 2020, as of 6:00 am, stores and all service providers were closed, with the exception of:

- grocery stores,
- pharmacies and dispensaries of medicinal devices,
- drugstores,
- petrol stations,
- newspaper and print kiosks,
- shops with foodstuffs for animals, and veterinary practices,
- outlets for telecommunications operators,
- public catering operations and fast food establishments,
- post, bank and insurance offices,
- e-shop and home delivery services,
- cleaning and laundry services,
- auto repair services, towing services,
- taxi services for providing only transport of goods or deliveries (no passengers transportation is allowed),
- funeral services, cemetery services and crematoriums.

Q: Is home-office mandatory?

No. However, the Ministry of Labor, Social Affairs and Family of the Slovak Republic invited employers to enable employees to work from home where possible. It also asked all employees to inform their employer that they have returned from abroad or have been in contact with a person who may have been infected with a new coronavirus.

Q: Can we request that employees work from home?

The Ministry of Labor, Social Affairs and Family of the Slovak Republic invited employers to enable employees to work from home where possible. However, the change of the agreed place of work, including home office, is always subject to an employee's consent (unless home office has already been agreed previously). Therefore, you have to agree with an employee that he/she will work from home. If an employee does not agree to working from home, the employer can unilaterally order garden leave for such an employee (i.e. time off with 100% salary reimbursement).

Q: What if the type of work performed by the employee does not permit work from home?

In such a case the employer has no other option than to unilaterally send the employee on garden leave (i.e. time off with 100% salary reimbursement).

Q: Can we measure employees' temperatures when they are entering the workplace?

Yes, provided that contactless thermometers are used and the checks are performed on a nondiscriminatory basis by health care professionals or other employees (or third party personnel) who have first-aid training.

Q: What if operations are temporarily closed because of an infected employee?

Temporary closure of operations due to infection would be classified as another obstacle to work on the employer's side, i.e. a situation in which an employee is entitled to time off since he/she cannot perform work due to reasons on the employer's side. During this period employees would be entitled to 100 % salary reimbursement.

If the type of work of an employee permits, you can offer that the employee can work from home. If the employee agrees, he/she would be entitled to salary as if he/she was present at the workplace.

Q: What are an employee's rights if he/she is in quarantine?

Provided that an employee is in quarantine based on an order of a public health protection authority, the employee would receive a salary reimbursement for the first 10 calendar days from their employer, and from the 11th day, the employee would be entitled to sickness allowance from the Slovak Social Security Authority.

Q: Can employees refuse to go to work because they are afraid that a colleague or customer/client that has returned from a high risk affected country/area may transmit the disease?

No, employees cannot refuse to go to work in such a situation. The employer, however, has an obligation to ensure a safe workplace. Thus, the employer should take adequate measures towards individuals returning from a high risk affected countries/areas, such as agree on home office with such employees or send them on garden leave.

Q: Is there anything we could do to prevent an outbreak of the virus in the workplace?

Employers may wish to issue an internal measure for employees which would contain clear instructions for employees to follow to prevent outbreak of the virus in the workplace. Typically, employers may instruct employees to pay increased attention to personal hygiene; to inform the employer of any situation in which an employee might have been exposed to the virus; and to follow the recommendations and instructions of public authorities.

Q: Can the employer request an employee that was ordered into quarantine to work from home? Can they agree on working from home?

Quarantine is different from sick leave. While a person on sick leave is declared to be unable to work, a person in quarantine has restricted movements, i.e. is obliged to stay at home or another designated place, which does not necessarily impact his/her capacity to perform work. The employer is obliged to excuse the absence of an employee both in case of sick leave as well as in case of quarantine, and the employee is entitled to a salary reimbursement.

If the nature of the work allows it, the employer and the employee in quarantine can agree that the employee will work from home. In such case the employee will be entitled to standard salary and not salary reimbursement. The employer cannot, however, unilaterally order the employee to work from home (unless home office has already been agreed previously), i.e. the employee in quarantine that does not agree with home office will have an excused absence from work.

Q: What are the rights of employees with children in a situation where schools are closed?

Employees with children under 10 years of age can stay at home when schools are closed due to the epidemiologic situation. The employer is obliged to excuse their absence, and they are entitled to a care allowance from the Social Security for 9 days.

An employee taking care of a child younger than 15 years of age can also request a modification of working hours (different schedule or shorter working hours). The employer can refuse such request for modified working hours only if it can be justified by serious operational reasons.

Alternatively, the employer and employee can agree that such employee will work from home, take vacation or unpaid leave.

We will continue to keep you updated on any major development that may impact your business. In the meantime, do not hesitate to contact us if you have any questions or comments.

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