



CORONAVIRUS IN LABOR LAW RELATIONSHIPS

Practical Solutions to Practical Problems - Part 2

The situation in the Czech Republic with respect to the coronavirus has changed dramatically in the past few days. As of 12th March 2020, 2 p.m., the Czech Government has declared a state of emergency for 30 days.

In this alert we provide guidance on how to deal with the new challenges. Our previous alert with answers to the most frequent questions that employers ask in relation to the coronavirus can be downloaded here: <https://bakerxchange.com/cv/b16726a4372331a52f4df0a4c0da6d593c9fac73>.

Q: What restrictions have been imposed in relation to the state of emergency?

Below is a summary of the most important restrictions:

Restricted entry for foreign citizens: As of Friday midnight, citizens from the following countries are banned from entering the Czech Republic: China, South Korea, Iran, Italy, Austria, Germany, Spain, Switzerland, Denmark, Belgium, Netherlands, Norway, Sweden, UK and France. This prohibition does not apply to holders of a temporary residence (over 90 days) or a permanent residence permit.

No travel to risk areas: As of Friday midnight, Czech citizens and foreigners with permanent and temporary residence are banned from travelling to risk areas. An exception applies to people who commute to work cross-border.

Restriction on cross-border travel: From Saturday, passenger carriers cannot transport cross-border more than nine people in the same vehicle. The prohibition does not apply to return journeys.

Prohibition of gathering of over 30 persons: From Friday 6:00 a.m., the following events with participation of over 30 people are prohibited: theatrical, film and other cultural activities and performances, as well as sports, religious and other events such as pilgrimages or tastings, both public and private. The prohibition does not apply to meetings of constitutional and public bodies and funerals.

Closure of restaurants: As of Friday 8:00 p.m., restaurants are closed in the evening (from 8:00 p.m. to 6:00 a.m.). Restaurants in shopping malls are closed completely as of Friday 6:00 a.m.

Closure of sport centers, clubs and libraries: As of Friday 6:00 a.m., sport and wellness centers as well as music and night clubs, public libraries and galleries are closed.

Q: What restrictions were previously imposed by the extraordinary measures adopted by the Ministry of Health?

Save for certain workers in transportation, Czech residents returning from Italy after 7 March 2020 should contact by telephone a doctor - general practitioner - who will decide on their quarantine for 14 days.

As of 11 March 2020, all primary and secondary schools, as well as universities, have been closed for an indefinite time.

Q: Do we have to close the workplace if we employ more than 30 employees?

No, the prohibition of gatherings of over 30 persons does not apply to workplaces.

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, *i.e.* the employee in quarantine that does not agree with home office will have an excused absence from work.

Q: May an employer check whether employees working from home use working hours for the performance of work?

Yes. An employer may adopt appropriate mechanisms to control that employees working from home use working hours for the performance of work. This would typically include a review that an employee sends business-related e-mails (without a review of their content), regularly logs-in to the company's systems and uses the company's work applications.

However, before an employer commences such controls, it is necessary that an employer informs its employees in advance about the implementation of particular control mechanisms (specifying the extent of review and manner of implementation).

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 (16 days in case of single parents).

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.

Q: How should companies treat contractors (*i.e.* persons that are not employees, but provide the companies with certain services)?

The company being an employer has the general obligation to ensure safety and protection of health at its workplace. If a contractor is ordinarily at the workplace, he/she could potentially pose a health risk factor for the company's employees, in a similar way as other employees. In addition, the company has the general obligation to ensure the safety of all persons that are present (with the company's consent) at the company's workplace including contractors.

If a contractor usually provides services at the company's premises, it would be advisable to agree with him/her to temporarily work outside of the premises. The company may also choose to temporarily furnish the contractor with means allowing him/her to provide the agreed services remotely.

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We will be happy to answer any follow-up questions and to assist you with drafting a communication to employees and/or contractors related to the coronavirus subject.

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