Introduction

Our Asia Pacific Employment and Compensation Team is pleased to provide you with this special and urgent update across 11 jurisdictions, on employer obligations and key workplace health and safety considerations in light of the Coronavirus outbreak.
Asia Pacific regional update – Coronavirus outbreak

The recent outbreak of COVID-19 (the “Coronavirus”) raises challenging issues for employers, particularly those that operate in multiple locations, provide a variety of services, and employ a global workforce which travels routinely. Now is the time for employers to revisit their health and safety protocols and install procedures to minimise the risk of the outbreak affecting their staff, whilst at work or travelling for work.

The following table outlines the main employer obligations and important considerations for employers operating across the Asia Pacific region. Please note that the response of governments to the outbreak is evolving rapidly, and it is important for employers to regularly check for updates with local authorities in each jurisdiction (as the information set out below may change). We also encourage you to contact your local Baker McKenzie office if you have any further questions relating to the information we have provided.

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<td>AUSTRALIA</td>
<td>Australian employers owe a strict duty to ensure (so far as reasonably practicable) the health and safety of their workers (whilst at work) and any other persons who may be affected by their work. This would include visitors to a workplace in Australia. There are significant penalties for breach, and also potential sanctions against officers of a company who have failed to exercise due diligence to ensure that the company is compliant. The above obligation requires an employer to take measures to protect its workforce from the risk of contracting a contagious disease. This would include restricting travel to high risk areas and screening staff who may have been exposed to the</td>
<td>Working from home Some employers are asking their employees to work from home due to Coronavirus concerns. In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits. Employers do have a right to request that a staff member undertakes a medical assessment and to exclude the staff member from the workplace/require them to work from home if there is a high risk that they have either contracted or been exposed to the Coronavirus. If an employee is required to stay at home as a precaution (and not because the employee is unfit</td>
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Employers in Australia should monitor announcements made by the Australian government and take appropriate precautionary measures to comply with their duties. For example, the Australian government is requiring isolation and/or quarantine of individuals who have travelled from Hubei province in the last 14 days, who have left or transited through mainland China or who have been in close contact with a confirmed case of the Coronavirus. This will mean that employers should put in place measures to accommodate employees who are required to self-isolate.

Employer obligations

Coronavirus. There are no hard and fast rules as to how far an employer must go to protect its workforce. In practice, an employer must conduct a thorough review of the risk and take all reasonably practicable measures to eliminate or reduce the risk.

Employers should be aware that it is unlawful to discriminate against employees because of an illness or injury, and that employers could face legal action such as adverse action claims. It is therefore important that employers obtain and rely on medical evidence before making any decisions that could impact adversely on a staff member.

Taking leave

An employer is unlikely to be able to direct an employee to take annual leave or unpaid leave unless otherwise provided for in an applicable enterprise agreement or employment contract – the employer should obtain the employee’s consent to this arrangement.

Travel restrictions

It is open to employers in Australia to impose travel restrictions on their workforce.

However, it is unlikely that an employer has a right to ban the private travel of an employee to a high risk destination. An employer may require its employees to report any high risk travel (e.g. to Wuhan or Hubei province), or for that matter any other high risk exposure, and request that a

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<td>for work), but it is impractical for the employer to work from home due to the nature of his/her work, it would be prudent for the employer to continue to pay the employee his/her normal full pay. This will provide the employer with some level of protection in the event the employee makes a claim for breach of contract, constructive dismissal, or disability discrimination. Taking leave An employer is unlikely to be able to direct an employee to take annual leave or unpaid leave unless otherwise provided for in an applicable enterprise agreement or employment contract – the employer should obtain the employee’s consent to this arrangement. Travel restrictions It is open to employers in Australia to impose travel restrictions on their workforce. However, it is unlikely that an employer has a right to ban the private travel of an employee to a high risk destination. An employer may require its employees to report any high risk travel (e.g. to Wuhan or Hubei province), or for that matter any other high risk exposure, and request that a</td>
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<td>CHINA</td>
<td>Employers in China owe a general obligation to provide employees with safe and healthy working conditions and with protective gear. Failure to meet this obligation may result in liability to employees and/or their families, and also may result in government sanctions. An employer is under a legal obligation to prevent and control communicable diseases pursuant to the PRC Law on the Prevention and Treatment of Communicable Diseases (“Communicable Diseases Law”) and its implementing measures. Examples of these obligations include (but are not limited to) the requirement to:</td>
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<td>1. Cooperate with the prevention and control measures taken by the disease prevention and control authority and the medical institutions;</td>
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<td>potentially &quot;exposed&quot; employee works from home for a reasonable period.</td>
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<td>measures adopted by employers</td>
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<td>Many employers in Australia have restricted business travel to mainland China, with some banning it outright to Wuhan and Hubei province.</td>
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<td>Working from home</td>
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<td>Working from home is currently encouraged by the PRC government as a flexible arrangement for reducing the congregation of people.</td>
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<td>It is unclear under the law whether an employer is entitled to direct (as opposed to recommend) an employee to work from home. That said, it should be deemed reasonable for employers to unilaterally implement a work from home policy during this critical period, as this is consistent with the government's recommendations and, in fact, can effectively help reduce the chance of employees contracting the Coronavirus. If an employer arranges its employees to work from home, the employees should be paid salary as normal.</td>
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### Employer obligations

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<td>2. Provide truthful information to the local disease prevention and control authority and the medical institutions;</td>
<td>For employees who are required by rules to self-quarantine for 14 days by staying at home (e.g., those travelling back from a disease hot-zone), employers are obliged to direct such employees to self-quarantine and must continue to pay them normal pay and benefits.</td>
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<td>3. Promptly report any infectious cases or suspected infectious cases to the disease prevention and control authority and the medical institutions;</td>
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<td>4. Continue to pay salary to employees as normal while they are subject to quarantine measures; and</td>
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<td>5. Not discriminate against any confirmed or suspected infectious employees.</td>
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In addition, on 24 January 2020, the Ministry of Human Resources and Social Security ("MOHRSS") issued a notice relating to the appropriate handling of employment relationships and requiring employers to follow the rules outlined in the notice. Some examples of these rules include:

- Any employee:
  - (a) who has been confirmed as having or is suspected of having the Coronavirus, or who has been in close contact with any person confirmed as having or suspected of having the Coronavirus; and

Taking leave

Under the national annual leave regulations, an employer can arrange for employees to take annual leave based on overall business considerations and the employee's willingness to take annual leave. Under the recent emergency measures introduced by the PRC government, employers are encouraged to consult with employees on the taking of statutory annual leave or additional company-provided leave, if the employee cannot report to work on time or if the employer is unable to resume operations. This recent notice, however, does not clearly specify how the employee consultation procedure should be conducted.

Given that employers already have a general right to arrange annual leave under the annual leave regulations and that currently the risk of transmission of the Coronavirus may be high, it is likely to be...
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<td>(b) who has been absent from work in order to receive medical treatment, been under medical observation, or has been subject to quarantine or other emergency measures taken by the government (&quot;Protected Period&quot;), shall be paid his/her normal pay during the Protected Period; and</td>
<td>reasonable for an employer to direct its employees to take annual leave as a precautionary prevention measure. We recommend that employers consider implementing working from home arrangements as a prioritized measure if possible before asking employees to take their annual leave.</td>
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<td>During the Protected Period, an employee's employment cannot be terminated unless for cause (e.g., serious misconduct).</td>
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<td>Many provinces and cities have issued local notices requiring a delayed date for the resumption of work/office re-opening after the Chinese New Year holiday.</td>
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<td>On 7 February 2020, the MOHRSS, jointly with the All China Federation of Trade Unions and two other departments, issued further guidance on the resumption of work / office re-opening after the Chinese New Year holiday, such as:</td>
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<td>▪ encouraging employers to consult with employees to work from home or take their annual leave if the employer is unable to re-open its office as normal or if the employees cannot return to work after the office re-opens due to the impact of the Coronavirus outbreak;</td>
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Travel restrictions

In order to contain the Coronavirus outbreak, Wuhan and some other cities in Hubei have been locked down and people in these cities have been stopped from leaving their cities. Strict quarantine measures have been implemented by the government on the movement of people, especially those from Wuhan or Hubei province.

Subject to local rules announced by local governments, employers should restrict any employees who are currently travelling in Wuhan or Hubei province from returning to the city where they work and require any employees who travel back to their work location to follow the quarantine requirements. In some cities, employers are prohibited from instructing employees to return from an epidemic hot-zone to the city where they work before the date of the resumption of work as determined by the local government.
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<td>requiring employers to take necessary prevention measures and other protections to prevent and control the spread of the Coronavirus; and</td>
<td>In addition, according to the notice issued by the PRC Immigration Administration, with effect from 29 January 2020 until further notice, the nationwide Entry and Exit Administrations bureaus have suspended the acceptance, examination and approval of the Exit-Entry Permit for mainland residents to travel to Hong Kong and Macau. Therefore, employers should keep up to date with and follow the most-current travel rules and collect employees' travel information (as well as health information) and report this information to the government if/when required. Travel plans should be carefully reviewed and monitored for a period of time even after the re-opening of the business.</td>
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<td>▪ encouraging employers to flexibly arrange work and consult with employees on the adoption of flexible working hour schedules.</td>
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Measures adopted by employers

Employers in practice are adhering to the required or recommended measures under recent notices issued by the government to specifically deal with the Coronavirus outbreak. Examples including the following:

- delaying the date for resumption of work;
- implementing temperature checks, conducting office disinfection, distributing face masks and sanitizers, etc.;
- adopting flexible working-hour schedules and work from home arrangements;

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<td>▪ collecting employees' travel and health information and reporting to the local competent health authority as required;</td>
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<td>▪ having employees who travel back from hot-zones to stay at home for self-quarantine in accordance with local rules.</td>
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If the outbreak causes difficulty in the business operations of a company, the company may consult with employees to adjust their salaries, have employees work in shifts and/or shorten working hours, in order to minimise the risk of a mass layoff. If an employer suspends business operations as a result of the Coronavirus outbreak, during the first pay cycle (i.e., the first month), the employer must pay salary as specified in the employment contract (i.e. employees must continue to receive regular pay). For the period beyond the first pay cycle (after one month), the employer must: (i) pay salary no less than the local minimum wage to employees who have performed work and (ii) pay a “living fee” to employees who have not performed work (the living fee amount shall be determined in accordance with applicable local regulations). Employers cannot simply put employees on unpaid leave in any event.

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In general, employers have a common law duty to take reasonable care of their employees’ safety and to provide and maintain a reasonably safe place of work for their employees. In addition, employers are under a statutory duty to ensure the health and safety at work of their employees, so far as is reasonably practicable. Failure to do so is a criminal offence.

Employers in Hong Kong should monitor announcements made by the Hong Kong government and take appropriate precautionary measures to comply with their duties.

The Hong Kong government has implemented a mandatory 14-day quarantine for all travellers entering Hong Kong from mainland China. (In short, visitors must isolate themselves in hotel rooms or government-run centres and residents must stay at home.)

### Working from home

An employer can require an employee to work from home if there is a risk that having the employee attend the office creates a risk to the health and safety of other staff. In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

If an employee is required to stay at home as a precaution, but it is impracticable for him/her to work from home due to the nature of his/her work, it would still be prudent to pay the employee his/her normal full pay during the temporary suspension period. This will provide employers with some level of protection in the event an employee makes a breach of contract or constructive dismissal or disability discrimination claim.

### Taking leave

It is possible to direct an employee to take his/her statutory annual leave, but this requires an employer providing at least 14 days’ advance notice under the Employment Ordinance (unless the parties agree to shorter notice). In practice, an employee will unlikely agree to shorter notice if he/she is required to stay out of the office by the

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Country | Employer obligations | Additional considerations
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An employer can form its own rules with respect to any additional annual leave.

An employer is unlikely to be able to direct an employee to take unpaid leave unless there is a right to do so under the employee's employment contract or employee handbook—the employer should obtain the employee's consent to this arrangement. Note that an employee will be deemed to be "laid off" (i.e. made redundant) and may be entitled to statutory severance if he/she is placed on unpaid leave for a substantial period of time (meeting the thresholds as set out in the Employment Ordinance).

**Travel restrictions**

It is open to employers in Hong Kong to place travel restrictions upon their workforce with regard to business travel in compliance with their employee safety obligations. As a result, many employers in Hong Kong have restricted business travel to mainland China, with some banning it outright. Employers, however, do not have any right to place restrictions on employees' personal travel (except where the travel is in breach of Hong Kong laws). If an employee insists on travelling to certain places (e.g. mainland China) while on annual leave for personal reasons, the employer...
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<td><strong>INDONESIA</strong></td>
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<td>can take certain action from an employment law perspective (e.g. requiring the employee to take his/her annual leave or no pay leave during the mandatory quarantine period after the employee comes back to Hong Kong).</td>
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**Measures adopted by employers**

Many employers in Hong Kong are asking their employees to work from home at the moment. In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

Some employers are coming to a mutually agreed arrangement with employees to take a period of unpaid leave.

Many employers are conducting regular office disinfection and making sanitizers available etc.

**Working from home**

Working from home is not specifically regulated in Indonesia. In light of the Coronavirus outbreak, some employers in Indonesia may consider requiring employees to work from home. However, we are not aware of employers in Indonesia actually implementing this measure yet. To date, there has been no direction issued by the Indonesian...
In relation to the Coronavirus, employers should follow the general guidelines issued by the Indonesian Ministry of Health ("MOH") and monitor further announcements and recommendations made by the MOH.

In addition to general health guidelines issued by the MOH, the local office of the MOH in Jakarta also recently issued a circular letter on vigilance against the Coronavirus (aimed at directors of companies, building/apartment management and entertainment places in Jakarta).

The circular letter sets out detection, prevention and response action that should be conducted by employers which, among other things, includes:

- Reporting individuals who show symptoms of the Coronavirus to the local office of the MOH; and
- Providing employees with information on action to be taken to prevent the spread of the Coronavirus (e.g., regular hand washing etc.).

Employer obligations

In relation to the Coronavirus, employers should follow the general guidelines issued by the Indonesian Ministry of Health ("MOH") and monitor further announcements and recommendations made by the MOH.

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- Reporting individuals who show symptoms of the Coronavirus to the local office of the MOH; and
- Providing employees with information on action to be taken to prevent the spread of the Coronavirus (e.g., regular hand washing etc.).

Additional considerations

government (particularly the Ministry of Employment and the MOH) requiring employers to impose working-from-home arrangements for their employees due to the Coronavirus outbreak.

Where working from home is not possible (e.g., due to the nature of the work), employers can still request their employees to stay at home and not come to work out of health and safety concerns. However, the employer must continue to pay the employees’ salary and benefits.

Taking leave

In general, employers cannot force their employees to take annual leave or unpaid leave.

Travel restrictions

Employers can impose travel restrictions on their employees as a measure to protect their employees’ health and safety.

The following measures have been implemented by the Indonesian government:

- foreigners who have travelled to China (excluding Hong Kong and Macau) in the last 14
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<td>days are restricted from entering and transiting in Indonesia;</td>
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<td>- Indonesian nationals are not to travel to China (excluding Hong Kong and Macau); and</td>
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<td>- flights from Indonesia to China (excluding Hong Kong and Macau) and from China to Indonesia have all been cancelled until further notice.</td>
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**Measures adopted by employers**

Employers generally are not assigning employees to go on business trips to mainland China (given no flights available). Some employers are also encouraging employees to avoid any non-urgent overseas trips (business and personal) even to destinations outside mainland China.

Many employers are providing additional sanitizing products in the office, e.g., hand sanitizers near office entrances and inside the office and masks for employees to take and use when going outside the office.

Some employers are organizing "health talks" where medical professionals are invited to speak to employees about the Coronavirus and the relevant preventive measures.

Current regulations allow an employer to require its employees to undergo a medical check if there are
**Country** | **Employer obligations** | **Additional considerations**
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The Labour Contracts Act and other relevant laws in Japan provide that a company is considered to have a contractual duty to maintain the safety of its employees and provide an appropriate work environment that is conducive to the comfortable performance of work duties by its employees.

Measures taken by companies to deal with possible situations in relation to the Coronavirus can be justified by this obligation. These will include working from home, introducing temperature checks at office entrances, and rescheduling business trips. However, any measures taken by the company must be proportionate to achieve the purpose of maintaining the employees’ safety and an appropriate work environment.

**Working from home**

An employer can require an employee to work from home if there is a risk that having the employee attend the office creates a risk to the health and safety of other staff. In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

If an employee is required to stay at home as a precaution, but it is impracticable for him/her to work from home due to his/her work nature, it would still be prudent to pay the employee his/her normal full pay during the temporary suspension period. This will provide employers with some level of protection in the event an employee makes a breach of contract claim.

**Taking leave**

An employer cannot direct an employee to take paid or unpaid leave as these are statutory or contractual...
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<td>rights of the employee – the employer should obtain the employee’s consent to this arrangement.</td>
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<td><strong>Travel restrictions</strong></td>
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<td>It is open for employers in Japan to place travel restrictions on their workforce in compliance with their employee safety obligations.</td>
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<td>However, it would be problematic for an employer to attempt to uniformly ban or restrict private travel, as this would be regarded as an improper invasion of an employee’s private life. A practical solution would be to require those employees to report to the employer when they travel to any place which is considered risky and the employer may, as necessary, ask them to work from home for a reasonable period of time.</td>
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<td><strong>Measures adopted by employers</strong></td>
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<td>Many employers in Japan have restricted business travel to mainland China, with some outright banning travel to Wuhan and Hubei province.</td>
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<td>MALAYSIA</td>
<td><strong>Occupational Safety and Health Act (“OSHA”)</strong></td>
<td><strong>Working from home</strong></td>
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The OSHA imposes duties on employers of prescribed industries to ensure workplace health and safety.

Under the OSHA, employers have a general obligation to ensure that employees are not exposed to risks to their health or safety, insofar as it is practicable. Failure to comply with this obligation will result in a fine not exceeding RM 50,000 and/or imprisonment for a term not exceeding two years.

The OSHA only applies to certain specified industries (e.g., manufacturing, construction, transport, wholesale and retail trades, business services) and prescribes certain requirements in respect of workplace safety.

**Common law duty of care**

Employers also owe a common law duty of care to employees to ensure workplace safety, regardless of whether the OSHA applies to them.

Employers in Malaysia should monitor announcements made by the Malaysian government and take appropriate precautionary measures to comply with their duties. For example,

In view of the Coronavirus outbreak, it would be a legitimate action for an employer to require that employees who may have been exposed to the virus (e.g. because they have travelled to an unsafe location) to work from home. Some employers have already implemented this measure, especially in relation to employees who are unwell. The Malaysian Trades Union Congress has also recommended that employers provide work flexibility such as implementing working from home arrangements.

In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

If an employee is required to stay at home as a precautionary measure, but it is impracticable for him/her to work from home due to the nature of his/her work, it would be prudent to still pay the employee his/her normal full pay during the temporary suspension period. Otherwise, there could be potential constructive dismissal liability risks.
the Malaysian government is requiring isolation and/or quarantine of Malaysians who have returned from Hubei province in the last 14 days.

**Press Release by the Ministry of Human Resources (“MOHR”)**

MOHR issued a press statement/guidelines on 6 February 2020 in relation to handling issues relating to contagious outbreaks including novel coronavirus (2019-NCOV) ("Guidelines"). The Guidelines state that employers are to take the following measures:

(a) instruct employees to be examined immediately, at the expense of the employer, by a registered medical practitioner or medical officer ("Doctor") as stipulated by Section 60(f) of the Employment Act 1955 ("EA");

(b) to provide paid sick leave or hospitalisation entitlement during the quarantine period to employees receiving quarantine orders from Doctors, regardless of whether the employee is quarantined at home or at hospital. Employers are encouraged to provide extra remuneration to employees under a quarantine order who exceed their sick leave / hospitalisation entitlement;

**Taking leave**

Employees should not be required to utilize annual leave or take unpaid leave, as this could give rise to constructive dismissal liability risk.

**Travel restrictions**

It is open for employers in Malaysia to implement restrictions on business travel for their workforce for the purposes of complying with employee safety obligations. Employers can also require employees who are travelling to mainland China/other high-risk countries for private purposes to declare this travel to the organisation so that safety measures can be implemented to mitigate against any associated risks.

**Measures adopted by employers**

Many employers in Malaysia have restricted business travel to mainland China, with some banning it outright to Wuhan and Hubei province.

Employers are also requiring employees to work from home, are limiting non-essential client/face-to-face meetings and are providing masks and are placing sanitizers around the office.
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<td>(c) to provide full pay to employees who have received a quarantine order from a Doctor as a result of the employee travelling on the instructions of the employer to a destination where there are Coronavirus cases;</td>
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<td>(d) not to prevent employees from attending work in the absence of a quarantine order issued by a Doctor. However, employers are permitted to instruct any unwell employee not to come to work by providing paid sick leave to the employee; and</td>
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<td>(e) not to instruct employees to utilise their annual leave or take unpaid leave during any quarantine period.</td>
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<td>Please note that the EA only applies to EA Employees (i.e., those whose wages are RM 2,000 and below or those engaged in specified work such as drivers, despatch, manual labourers etc. regardless of wages). It is unclear whether part (a) above applies only to EA Employees or to all employees, regardless of whether they fall within the ambit of the EA or not.</td>
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</table>
**Country**

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<tr>
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On 31 January 2020, the Philippine Department of Labor and Employment ("DOLE") issued Labor Advisory No. 04 - series of 2020 (Guidelines on 2019 Novel Coronavirus Prevention and Control at the Workplace). Specific mandated measures in relation to employees have been imposed on employers (e.g., precautionary measures, measures in workplaces where workers are evidently at risk of infection as well as guidance to employers on the care of workers who are sick or have a fever).

DOLE also previously issued Labor Advisory No. 01 - series of 2020 providing that employers in the private sector shall, in the exercise of management prerogative and in coordination with the safety and health committee or any other responsible company officer, suspend work to ensure the safety and health of their employees during natural or man-made calamity.

**Working from home**

An employer is entitled to direct an employee to work from home to ensure the safety and health of its employees.

Pursuant to DOLE Labor Advisory No. 01 - series of 2020 and Labor Advisory No. 04 - series of 2020, employers in the private sector can exercise their right to direct employees to work from home. If an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

If an employer suspends work or requests a particular employee to stay at home to ensure the safety and health of their employees, and the employee did not actually work, there is no need to pay the employee unless there is a favourable company policy, practice, or collective bargaining agreement granting payment of wages for such days.

**Taking leave**

Generally speaking, an employer is entitled to direct an employee to take leave, unless there is a company policy, practice, or collective bargaining agreement restricting the right of the employer.
An employer should be able to direct an employee to stay at home, without pay, to ensure the safety and health of its employees provided the employee does not actually work, unless there is a favourable company policy, practice, or collective bargaining agreement granting payment of wages for such days. When the employee has accrued leave credits, he/she may be allowed to utilize the leave such that the employee will be compensated for such days. However, employers are encouraged to exercise flexibility and compassion in granting additional leave with pay. By mutual agreement, employers and employees may also agree on other arrangements for the employees’ leave of absence.

### Travel restrictions

As of 10 February 2020, the following travel restrictions are in place:

- The government has imposed a temporary entry ban against travellers (except Filipino citizens and alien permanent status holders) coming to the Philippines from mainland China, Hong Kong, and Macau.
- Filipinos have been temporarily prohibited from traveling to China, Hong Kong and Macau.

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<td>An employer should be able to direct an employee to stay at home, without pay, to ensure the safety and health of its employees provided the employee does not actually work, unless there is a favourable company policy, practice, or collective bargaining agreement granting payment of wages for such days. When the employee has accrued leave credits, he/she may be allowed to utilize the leave such that the employee will be compensated for such days. However, employers are encouraged to exercise flexibility and compassion in granting additional leave with pay. By mutual agreement, employers and employees may also agree on other arrangements for the employees’ leave of absence.</td>
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<td></td>
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<td>Travel restrictions</td>
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<td>SINGAPORE</td>
<td>In general, employers have a common law duty to take reasonable care of their employees' safety and to provide and maintain a reasonably safe place of work for their employees. In addition, employers are under a statutory duty to ensure the health and safety at work of their employees, so far as is reasonably practicable. Failure to do so is a criminal offence. The Infectious Diseases Act has been revised to add the Coronavirus to the list of infectious diseases. Under the Infectious Diseases Act, the Director of</td>
<td>▪ The government has recommended the voluntary repatriation of all Overseas Filipinos in Hubei Province, China. ▪ South Korea has temporarily suspended the visa-free entry of Filipino tourists to Jeju, South Korea. Measures adopted by employers Some employers are asking their employees to work from home due to Coronavirus concerns. In general, if an employee is required to work from home, the employee must continue to receive his/her full pay and benefits. Employers are generally limiting non-essential business travel to affected areas. Working from home Employees with recent travel history to mainland China will be required to go on a 14-day leave of absence and be quarantined at home. Employers must therefore direct these employees not to come to work. This leave of absence is to be considered as paid hospitalisation leave. The MoM has indicated that it may take action against the employer if it fails to discharge its responsibility.</td>
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Please note that the Coronavirus situation is constantly changing and that this information is current as at 10 February 2020. This document provides a high level summary and is not intended to be a comprehensive legal advice.
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<td>Medical Services may order any person who is or is suspected to be a carrier of an infectious disease to be detained and isolated in a hospital or other place for such period of time and under such conditions as determined by the Director. A breach of any such order will be an offence under the Infectious Diseases Act which attracts a fine of up to S$10,000 or imprisonment of up to six months or to both. Repeat offenders will be fined up to S$20,000 or imprisoned for up to 12 months or both. Employers in Singapore should monitor announcements made by the Singapore government and take appropriate precautionary measures to comply with their duties. The Ministry of Manpower (&quot;MoM&quot;) has a webpage (<a href="https://www.mom.gov.sg/2019-ncov">https://www.mom.gov.sg/2019-ncov</a>) which collates the measures the Singapore government is recommending employers to take.</td>
<td>In this regard, the MoM has recently cancelled the work passes of four foreign employees and suspended the work pass privileges of six employers for two years for breaching the leave of absence requirement. If an employer allows an employee to return to work while the employee is supposed to be on the 14-day leave of absence, a case could also be made that the employer has aided and abetted the employee to commit an offence under the Infectious Diseases Act. Employers must get written acknowledgment from the employee regarding the 14-day leave using the form that can be found at the following link: <a href="https://www.mom.gov.sg/-/media/mom/documents/wuhanvirus/employees-declaration-form-leave-of-absence.pdf">https://www.mom.gov.sg/-/media/mom/documents/wuhanvirus/employees-declaration-form-leave-of-absence.pdf</a>; and declare to the MoM that the employer has informed the affected foreign employees of the leave of absence requirement available at this link: <a href="https://form.gov.sg/#/l/5e3795ca73a1e9001194355f">https://form.gov.sg/#/l/5e3795ca73a1e9001194355f</a>. For other employees who are not required to go on the mandatory leave of absence, the employer can direct the employees to work from home on the</td>
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basis that this is a reasonable measure to take to ensure their health and safety.

Employers are encouraged to allow backend staff to work from home where feasible, or may also consider splitting team arrangements to minimise interaction between team members. Employers may wish to procure any necessary equipment for employees to accommodate flexible working arrangements.

Taking leave

It is possible for an employer to direct an employee to take annual leave. However, this would probably not be well received by an employee since the spread of the virus is not something that is within the employee’s control and he/she would most likely take that view that it should not affect his/her employment benefits.

An employer is unlikely to be able to direct an employee to take unpaid leave – the employer should obtain the employee’s consent to this arrangement.

Please note that the Coronavirus situation is constantly changing and that this information is current as at 10 February 2020. This document provides a high level summary and is not intended to be a comprehensive legal advice.
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**Travel restrictions**

Travellers arriving from mainland China or those who have travelled there within the last 14 days from 1 February, 23.59 local time will not be allowed to enter or transit through Singapore. We understand these restrictions do not apply to Singaporeans, and permanent residents.

Nevertheless, if an employee has been to mainland China within the last 14 days, the employee will be issued with a “health advisory” on arrival for the individual to be placed on a 14-day leave of absence and he/she will be required to stay at home and refrain from attending social or public gatherings.

**All work pass holders regardless of nationality** with travel history to mainland China are not able to enter Singapore without prior approval from the MoM before they commence their journey with effect from 12 am 9 February 2020. Employers should inform relevant employees not to make travel plans to Singapore until the employers have sought and received approval from the MoM.

Employers will be required to declare to the MoM that they have arranged for suitable premises to
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- House such returning employees for the duration of their 14-day leave of absence upon their return.
- The approval letter must be given to the employee in order for the employee to be able to check-in at the airport.
- Approval can only be sought three days before the intended arrival date of these work pass holders. Approval can be sought using this link: [https://form.gov.sg/#/5e3cbabee41f590012014e91](https://form.gov.sg/#/5e3cbabee41f590012014e91)

**Measures adopted by employers**

Employers should consider asking their employees to work from home at the moment. In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

Employers can also mutually agree with employees to take a period of unpaid leave.
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| TAIWAN   | **Sanitation guideline**
   
Under Taiwan's Occupational Safety and Health Act, employers have a general duty to provide necessary safety and health equipment, measures and management in the workplace, for the purpose of protecting employees' health and safety.

Recently, Taiwan's Ministry of Labor ("MOL") published a sanitation guideline for Coronavirus ("Guideline"). The Guideline specifies that employers shall, based on the development of the Coronavirus and the need to protect employees, adopt necessary safety and health protection measures, including the following:

- Implementing temperature checks, strengthening employee training on infection prevention, maintaining ventilation and cleanliness in the workplace, and ensuring regular disinfection; and
- Having in place sufficient masks, and not prohibiting employees from wearing them.

**Reporting obligation**

Employers have an obligation to report a suspected Coronavirus case to competent authorities.

| Working from home |

An employer can require an employee to work from home if there is a risk that having the employee attend the office creates a risk to the health and safety of other staff. In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

If an employee is required to stay at home as a precaution, but it is impracticable for him/her to work from home due to the nature of his/her work, it would still be prudent to pay the employee his/her normal full pay during the temporary suspension period. This will provide employers with some level of protection in the event an employee makes a breach of contract or constructive dismissal or disability discrimination claim.

Some employers are asking their employees to work from home due to Coronavirus concerns. In general, if an employee is required to work from home, the employee must continue to receive his/her full pay and benefits. The period they are working from home must also be counted towards their length of service.
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|         | authorities within 24 hours. Failure to do so shall subject the responsible person to a fine. | Taking leave
As a general rule, an employer cannot direct an employee to take unpaid leave – the employer should obtain the employee’s consent to this arrangement.
The MOL has issued an announcement setting out its position on employees taking leave due to the Coronavirus and relevant wage payment obligations. In the event that an employee is infected with the Coronavirus and placed under quarantine due to occupational factors, he/she will be entitled to occupational sickness leave with full pay.
If an employee is infected with the Coronavirus and placed under quarantine not on account of occupational factors, he or she is entitled to ordinary sickness leave (half pay for the first 30 days of leave within a year, and no pay thereafter), annual leave (full pay) or personal leave (no pay). If the company’s policy offers more favorable payment, such policy prevails. |
Country | Employer obligations | Additional considerations
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**Travel restrictions**

Employers in Taiwan may place travel restrictions on their workforce in compliance with their obligations with regard to employee safety. As specified in the Guideline published by the labor authority, employers should avoid assigning employees to affected areas in China.

According to the latest information:

1. **Taiwan nationals**: (1) Effective from 6 February 2020, those who have visited mainland China, Hong Kong or Macau in the past two weeks must now quarantine themselves at home or a designated place for 14 days (i.e., they must not leave home or the designated location); (2) those approved to return from Hong Kong or Macau should subject themselves to self-health management for 14 days (i.e., avoid going out and if they have to go out, wear facial masks).

2. **All PRC passport holders**: Entry to Taiwan is suspended.

3. **Hong Kong and Macau citizens**: Effective from 11 February 2020, entry to Taiwan has
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#### Measures adopted by employers

Many employers are asking their employees to work from home at the moment. In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.

Some employers are coming to a mutually agreed arrangement with employees to take a period of unpaid leave.

4. **Foreign nationals:** Effective from 7 February 2020, entry to Taiwan has been suspended for those who have visited or lived in mainland China, Hong Kong or Macau in the past 14 days.

5. The restrictions above will be adjusted from time to time.

been suspended, except for those who visit Taiwan for the performance of contractual duties or due to internal transfer within multinational corporations, spouses with ARC or under-aged children.
Please note that the Coronavirus situation is constantly changing and that this information is current as at 10 February 2020. This document provides a high level summary and is not intended to be a comprehensive legal advice.

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| THAILAND | Thai employers have a legal duty to arrange and keep their workplace and employees safe and to maintain hygienic working conditions. This duty includes promoting work operations which prevent employees being at risk of harm to their life, body, mentality and health. Failure to comply with this duty is a criminal offence. Employers in Thailand should monitor announcements made by the Thai government and take appropriate precautionary measures to comply with their duties. | Working from home  
An employer is legally entitled to order an employee to work from home provided that the employee continues to receive his/her full pay and benefits. The period they are working from home must also be counted towards their length of service.  
If an employee is required to stay at home as a precaution, but it is impracticable for him/her to work from home due to the nature of his/her work, it will be prudent to still pay the employee his/her normal full pay during the temporary suspension period. This will provide employers with some level of protection in the event an employee makes a breach of contract or dismissal claim.  
Taking leave  
An employer is entitled to order an employee to take annual vacation days on the days specified by the employer.  
However, the employer cannot unilaterally order an employee to take an unpaid leave - unless the employee specifically consents to this. |
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<td>Travel restrictions</td>
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<td>Employers in Thailand may implement travel restrictions for their workforce in compliance with their employee safety obligations. As a result, many employers in Thailand have restricted business travel to mainland China, with some banning it outright to Wuhan and Hubei province.</td>
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<td>Measures adopted by employers</td>
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<td>Some employers are asking their employees to work from home due to Coronavirus concerns.</td>
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<td>In addition, employers in Thailand have also been implementing the following measures:</td>
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<tr>
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<td>- Screening employees via temperature checks.</td>
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<td>- Asking employees about their own and family members recent travel and exposure.</td>
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<td>- Regularly cleaning the office and workplace.</td>
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<td>- Providing regular communications/updates to employees about the status of the disease in Thailand.</td>
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<td>- Providing masks to employees.</td>
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<td>Installing hand alcohol sanitizer dispensers in the workplace.</td>
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Please note that the Coronavirus situation is constantly changing and that this information is current as at 10 February 2020. This document provides a high level summary and is not intended to be a comprehensive legal advice.
Employers in Vietnam have extensive obligations regarding occupational safety and hygiene under the law which requires them to ensure that the workplace has satisfied safety requirements with respect to hazardous and harmful factors, including infectious diseases.

Specifically, depending on the size of the labour force and the relevant industry, employers must (i) assign health officers or set up a health unit responsible for employees’ health and occupational hygiene or (ii) contract with an entity which has the relevant health care capacity to do this. One of the functions of the health officers and health units is to prevent and control infectious diseases at the workplace.

In addition, employers have an obligation to fully provide employees with information about dangerous and hazardous factors and measures to ensure safety and hygiene at the workplace.

**Quarantine and reporting obligations**

In response to the outbreak of the Coronavirus, the Vietnam Ministry of Health has recently issued a temporary guideline on the supervision and
Please note that the Coronavirus situation is constantly changing and that this information is current as at 10 February 2020. This document provides a high level summary and is not intended to be a comprehensive legal advice.

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<td>Vietnam</td>
<td>prevention of respiratory illness caused by the Coronavirus. Employers are obliged to inform the nearest health agency within 24 hours of detecting or suspecting that an employee might be infected with the Coronavirus. Subject to the decision of any competent authority, quarantine will be applied to individuals suffering from, or suspected to be suffering from the Coronavirus. If any employee who the employer suspects may be suffering from the Coronavirus has not been isolated, the employer should request that the employee takes fully paid leave. The employee's consent to such leave should be obtained.</td>
<td><strong>Travel restrictions</strong> Vietnamese authorities have advised citizens not to travel to countries where people have been infected by the Coronavirus. As of 1 February 2020, all passenger flights between Vietnam and mainland China have been suspended. <strong>Measures adopted by employers</strong> Companies and factories in Vietnam are currently operating without suspensions. To guard against the spread of infection, many employers have provided facemasks and hand sanitizers to employees and have conducted pest and bacteria spray at the workplace. In addition, many employees have agreed with their employers to work from home due to school closures.</td>
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