

ASIA PACIFIC REGIONAL EMPLOYMENT UPDATE COVID-19

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 COVID-19 outbreak.

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Asia Pacific regional update – Coronavirus outbreak

The recent outbreak of COVID-19 (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.

Jurisdictions	Employer obligations	Additional considerations
 <p>AUSTRALIA</p>	<p>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.</p> <p>These laws do not contain any prescriptive requirements as to dealing with contagious diseases. An employer must educate itself about the risk and conduct an assessment as to what measures may be taken to eliminate or reduce the risk of contracting and spreading the contagion.</p> <p>This would include keeping updated on the Coronavirus health risk, educating staff on protective measures,</p>	 <p>Working from home</p> <p>Many employers are asking their employees to work from home due to Coronavirus concerns, regardless of whether or not they fall within a high risk category. In general, if an employee can and is required to work from home, the employee should continue to receive his/her full pay and benefits. The employer should also pay for any direct costs associated with working from home.</p> <p>If there is a high risk that an employee has either contracted or been exposed to the Coronavirus. An employer does have the right to request that the employee undertakes a medical assessment before being permitted to enter the workplace.</p>



Jurisdictions	Employer obligations	Additional considerations
	<p>restricting travel to high risk areas, monitoring the health of employees, and screening staff who may have been exposed to the Coronavirus. Employers in Australian are also now increasingly screening visitors to workplaces, and in some instances requiring temperature checks.</p> <p>Australian employers should continue to monitor announcements and restrictions made by the Australian government and ensure that they comply with them. These are updated daily on the following website:</p> <p>https://www.pm.gov.au/media/update-novel-coronavirus-covid-19-australia-0</p> <p>The Australian government is currently imposing travel restrictions for mainland China, Iran, Italy and the Republic of Korea and is requiring isolation and/or quarantine of individuals who have travelled from these jurisdictions for a period of 14 days. Employers should not require their employees to travel to these destinations, and ensure that employees who have done so comply with the quarantine requirements. Travel insurance may not cover any incidents relating to Coronavirus.</p> <p>Employers may also wish to review advice provided by SafeWork Australia on Coronavirus:</p> <p>https://www.safeworkaustralia.gov.au/doc/coronavirus-covid-19-advice-pcbus</p>	<p>If an employee is unfit for work due to the Coronavirus (or any other illness), then they are entitled to access accrued sick leave entitlements. If an employee contracts the Coronavirus as a result of his or her employment (and this can be established), then that employee may also be entitled to claim workers compensation payments.</p> <p>Employees who are unfit for work or have suffered a workers compensable illness also accrue certain protections from termination of employment and victimisation.</p> <p>The circumstances are more complex when an employee cannot work from home (for example, due to the nature of their work), is not unfit for work, and is not required by law to quarantine themselves. Where such an employee is not a casual employee, the employer may be required to continue to pay the employee if the employee is required to stay home as a precautionary measure.</p> <p>Employers do have a limited statutory right to stand down employees without pay in limited circumstances where, through no fault of their own, they have no work to provide them.</p>



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	<p>It is also 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 to support a genuine risk to health and safety before making any decisions that could impact adversely on a staff member.</p>	<div data-bbox="1205 466 1346 603"> </div> <p>Taking leave</p> <p>An employer can only direct an employee to take accrued annual leave or unpaid leave in limited circumstances, including where the employee has accrued excess leave, as part of a shutdown, or in accordance with an applicable enterprise agreement or employment contract. The employer should seek the employee's consent to such an arrangement.</p> <div data-bbox="1205 791 1346 928"> </div> <p>Travel restrictions</p> <p>Australian employers may impose travel restrictions on their workforce.</p> <p>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 also require its employees to report any high risk travel (e.g., to mainland China, Iran, Italy or the Republic of Korea), or for that matter any other high risk exposure, and request that a potentially "exposed" employee work from home for a reasonable period (for example at least 14 days).</p>



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		 <p>Measures adopted by employers</p> <p>Where employees work with vulnerable people (e.g., health, aged care, detention facilities etc.), employers should take extra precautions to ensure appropriate measures are in place to prevent the risk of an outbreak.</p> <p>Many employers are distributing hand sanitizer in the workplace (and enforcing its use), encouraging good hygiene practices (handwashing) and are encouraging flexible working where possible. Additional measures that employers may wish to consider include:</p> <ul style="list-style-type: none">▪ ceasing any "hot desking" arrangements until further notice;▪ requiring all visitors to the workplace to confirm they are not currently presenting with coronavirus symptoms or have travelled to a high risk country in the 3 weeks prior;▪ replacing face-to-face meetings with videoconferences / calls; and▪ disinfecting high touch areas in the workplace.



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 <p>CHINA</p>	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 1. Cooperate with the prevention and control measures taken by the disease prevention and control authority and medical institutions; 2. Provide truthful information to the local disease prevention and control authority and medical institutions; 3. Promptly report any infectious cases or suspected infectious cases to the disease prevention and control authority and medical institutions; 4. Continue to pay salary to employees as normal while they are subject to quarantine measures; and 5. Not discriminate against any confirmed or suspected infectious employees. 	 <p>Working from home</p> <p>Working from home is currently encouraged by the PRC government as a flexible arrangement for reducing the congregation of people.</p> <p>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.</p> <p>For employees who are required by government 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.</p>  <p>Taking leave</p> <p>Under the national annual leave regulations, an employer can arrange for employees to take annual</p>



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	<p>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:</p> <ul style="list-style-type: none"> ▪ Any employee: <ul style="list-style-type: none"> 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 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 (Protected Period), shall be paid his/her normal pay during the Protected Period; and ▪ During the Protected Period, an employee's employment cannot be terminated unless for cause (e.g., serious misconduct). <p>Many provinces and cities issued local notices requiring a delayed date for the resumption of work/office re-opening after the Chinese New Year holiday.</p>	<p>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.</p> <p>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 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.</p>



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	<p>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:</p> <ul style="list-style-type: none"> ▪ 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; ▪ requiring employers to take necessary prevention measures and other protections to prevent and control the spread of the Coronavirus; and ▪ encouraging employers to flexibly arrange work and consult with employees on the adoption of flexible working hour schedules. 	<div data-bbox="1205 464 1346 608" style="text-align: center;"> </div> <p>Travel restrictions</p> <p>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.</p> <p>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.</p> <p>In addition, as the global Coronavirus situation worsens, employers should also carefully monitor and reduce cross-country travel arrangements.</p> <p>According to a notice issued by the PRC National Immigration Administration, with effect from 29 January 2020 until further notice, the nationwide exit</p>



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and entry administrations have suspended the acceptance, examination and approval of travel endorsements for mainland residents to enter Hong Kong and Macau. The PRC Exit and Entry Administration on 7 February 2020 issued a notice, further requiring nationwide exit and entry administrations to suspend business endorsements for mainland residents to enter Hong Kong.

According to an announcement issued by the PRC General Administration of Customs on 25 January 2020, all inbound and outbound travellers must fill in a health declaration form on entry/exit, and cooperate with temperature monitoring, medical examination and observation, as well as other public health measures. Furthermore, subject to local rules announced by local governments, those who come from overseas epidemic hot-zones may be subject to governmental measures such as temperature checks and quarantine after entering mainland China.

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.

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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 of measures taken by employers include the following:

- implementing temperature checks, conducting office disinfection, distributing face masks and sanitizers, etc.;
- adopting flexible working-hour schedules and work from home arrangements;
- collecting employees' travel and health information and reporting to the local competent health authority as required; and

requiring employees who travel back from hot-zones to stay at home for self-quarantine in accordance with local rules.

If the outbreak causes difficulty to the business operations of a company, the company may consult with employees on the adjustment of 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



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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.



HONG KONG

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 and certain parts of



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



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	<p>Korea. (In short, visitors must isolate themselves in hotel rooms or government-run centres and residents must stay at home.) With effect from 14 March 2020 all arrivals from Italy, as well as arrivals from certain areas in France, Germany, Spain and Japan will also be subject to a mandatory 14-day quarantine period. There are also quarantine measures in place for those who have been to Iran in the past 14 days. Non-Hong Kong residents who have visited the Hubei Province and Korea in the past 14 days are restricted from entering Hong Kong.</p>	<p>or constructive dismissal or disability discrimination claim.</p> <p> Taking leave</p> <p>It is possible to direct an employee to take his/her statutory annual leave, but this requires an employer to provide at least 14 days' advance notice under the Employment Ordinance (unless the parties agree to a shorter notice period). In practice, an employee will unlikely agree to shorter notice if he/she is required to stay out of the office by the employer. An employer can form its own rules with respect to any additional annual leave.</p> <p>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).</p>



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		<p data-bbox="1205 467 1348 608"></p> <p data-bbox="1379 472 1615 499">Travel restrictions</p> <p data-bbox="1379 520 1995 999">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 are banning non-essential business travel. 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 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).</p> <p data-bbox="1205 1031 1348 1171"></p> <p data-bbox="1379 1035 1794 1062">Measures adopted by employers</p> <p data-bbox="1379 1083 1995 1369">There has been an increase in the number of employees returning to work in their usual place of work (office) since 2 March 2020 when civil servants returned to their offices after several weeks of a government imposed working from home arrangement. Some employers, however, are asking their employees to work from home or are implementing a split team arrangement (where some members of the team work from home while the rest</p>



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		<p>of the team work in the office). In addition, some employers are adopting flexible working hours/lunch schedules.</p> <p>Some employers are coming to a mutually agreed arrangement with employees to take a period of unpaid leave.</p> <p>Many employers are conducting regular office disinfection and making face masks and sanitizers available etc.</p> <p>The Labour Department has issued an Employment Ordinance related Q&A on the obligations and rights of employers and employees under the Employment Ordinance relating to the Coronavirus: https://www.labour.gov.hk/eng/news/pdf/EO_related_QAs_on_COVID-19_eng.pdf</p> <p>In Hong Kong schools have been closed since the beginning of February and many employees have been asked to work from home for several weeks. The City Mental Health Alliance Hong Kong has issued a helpful resource on supporting employees to stay mentally healthy in unusual working conditions: https://www.cmhahk.org/wp-content/uploads/2020/02/Supporting-employees-in-unusual-working-conditions.pdf</p>



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<div data-bbox="217 491 418 667" data-label="Image"> </div> <p data-bbox="241 687 394 715">INDONESIA</p>	<p data-bbox="497 467 1167 659">Employers in Indonesia are required to enforce a work safety and a health management system aimed at creating a safe, efficient and productive work place. This includes measures to deal with disease prevention, hazard control in the work place, health promotion, medication and rehabilitation.</p> <p data-bbox="497 683 1173 810">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.</p> <p data-bbox="497 834 1173 1026">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).</p> <p data-bbox="497 1050 1160 1145">The circular letter sets out detection, prevention and response action that should be conducted by employers which, among other things, includes:</p> <ul data-bbox="497 1169 1173 1343" style="list-style-type: none"> <li data-bbox="497 1169 1122 1233">▪ Reporting individuals who show symptoms of the Coronavirus to the local office of the MOH; and <li data-bbox="497 1249 1173 1343">▪ Providing employees with information on action to be taken to prevent the spread of the Coronavirus (e.g., regular hand washing etc.). 	<div data-bbox="1205 467 1346 603" data-label="Image"> </div> <p data-bbox="1379 475 1637 499">Working from home</p> <p data-bbox="1379 523 2018 882">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 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.</p> <p data-bbox="1379 906 2018 1106">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.</p> <div data-bbox="1205 1137 1346 1273" data-label="Image"> </div> <p data-bbox="1379 1145 1547 1169">Taking leave</p> <p data-bbox="1379 1193 2018 1249">In general, employers cannot force their employees to take annual leave or unpaid leave.</p>

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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 days are restricted from entering and transiting in Indonesia;
- Indonesian nationals are not to travel to China (excluding Hong Kong and Macau); and
- Flights from Indonesia to China (excluding Hong Kong and Macau) and from China to Indonesia have all been cancelled until further notice.

Furthermore, the Indonesian government has also implemented the following new policy effective as of 8 March 2020:

- Foreigners who have travelled to the below locations in the last 14 days are restricted from entering and transiting in Indonesia.



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		Iran	Tehran, Qom, Gilan
		Italy	Lombardi, Veneto, Emilia Romagna Marche and Piedmont
		South Korea	Daegu and Gyeongsangbuk-do
		<ul style="list-style-type: none"> Foreigners who have travelled to Iran, Italy and South Korea but outside the locations mentioned above, may only enter or transit in Indonesia if they have a health certificate issued by the health authority in the relevant country. A valid health certificate must be shown to the appointed person of the relevant airlines upon check-in. Foreigners will be restricted from entering or transiting in Indonesia without the valid health certificate. Before landing, foreigners who come from the three countries mentioned above must fill in a health alert card provided by the Ministry of Health of the Republic of Indonesia. The card includes, among other things, questions about travel history. If based on the travel history, the person concerned has travelled within the last 14 days to one of the locations mentioned above, the person will be restricted from entering or transiting in Indonesia. 	



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- Indonesian citizens who have travelled to the three countries (in particular from the specific locations mentioned above), will need to undergo an additional health check at the airport.



Measures adopted by employers

Employers are generally encouraging employees to avoid any non-urgent overseas trips (business and personal).

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 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 any concerns about an employee's health. In light of this, some employers are encouraging their employees to see a doctor if they are feeling unwell, especially after returning from an overseas trip. In addition, we have seen recently some buildings and employers conduct on-the-spot temperature checks

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JAPAN

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 rights of the employee – the employer should obtain the employee's consent to this arrangement.

to any individuals entering their premises. If the individual's temperature is above a certain limit, the individual is prohibited from entering the premises.



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		<p data-bbox="1205 464 1350 608"></p> <p data-bbox="1379 472 1615 496">Travel restrictions</p> <p data-bbox="1379 523 2016 715">It is open for employers in Japan to place travel restrictions on their workforce in compliance with their employee safety obligations. However, employers must take into account the restrictions and cautions issued by the government as follows (as of 11 March 2020):</p> <ul data-bbox="1379 740 2033 1385" style="list-style-type: none"><li data-bbox="1379 740 2033 900">▪ The government has imposed a temporary entry ban against travellers coming to Japan who have stayed in particular areas of mainland China, South Korea, Iran, Italy and San Marino within 14 days before entry into Japan.<li data-bbox="1379 922 2033 1050">▪ The government has imposed a temporary restriction requiring travellers coming to Japan from mainland China, Hong Kong and South Korea to stay at a designated place for 14 days.<li data-bbox="1379 1072 2033 1305">▪ The government has imposed a temporary restriction requiring travellers coming to Japan from whole areas of or from particular areas of China, South Korea, Iran, Italy and San Marino to take a polymerase chain reaction (PCR) test to detect the Coronavirus and periodical medical checks.<li data-bbox="1379 1327 2033 1385">▪ The government has issued a caution to travellers travelling from Japan to China, Hong Kong,



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		<p>Macau, South Korea, Iran, Italy, San Marino, Vatican City, Spain, Germany, France and Switzerland.</p> <p>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.</p> <p>Measures adopted by employers</p> <p>Many employers in Japan are banning non-essential business travel.</p>



MALAYSIA

Occupational Safety and Health Act (OSHA)

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



Working from home

In light 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



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	<p>exceeding RM 50,000 and/or imprisonment for a term not exceeding two years.</p> <p>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.</p> <p>Common law duty of care</p> <p>Employers also owe a common law duty of care to employees to ensure workplace safety, regardless of whether the OSHA applies to them.</p> <p>Employers in Malaysia should monitor announcements made by the Malaysian government and take appropriate precautionary measures to comply with their duties. For example, the Malaysian government is requiring isolation and/or quarantine of Malaysians who have returned from Hubei province in the last 14 days.</p> <p>Press Release by the Ministry of Human Resources (MOHR)</p> <p>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:</p>	<p>Trades Union Congress has also recommended that employers provide work flexibility such as implementing working from home arrangements.</p> <p>In general, if an employee is required to work from home, the employee should continue to receive his/her full pay and benefits.</p> <p>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.</p> <p>Taking leave</p> <p>Employees should not be required to utilize annual leave or take unpaid leave, as this could give rise to constructive dismissal liability risk.</p>



Jurisdictions	Employer obligations	Additional considerations
	<p>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);</p> <p>(a) 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;</p> <p>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;</p> <p>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</p> <p>not to instruct employees to utilise their annual leave or take unpaid leave during any quarantine period.</p> <p>Please note that the EA only applies to EA Employees (i.e., those in West Malaysia: (i) whose wages are RM 2,000 and</p>	<div data-bbox="1205 464 1346 608" style="text-align: center;">  </div> <p>Travel restrictions</p> <p>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.</p> <p>However, employers must take into account the restrictions and cautions issued by the government as follows (as of 11 March 2020):</p> <ul style="list-style-type: none"> ▪ The Federal Government of Malaysia has imposed a temporary entry ban against foreign travellers coming to Malaysia who have visited Wuhan city, Hubei, Zhejiang or Jiangsu provinces in China; or Daegu or Cheongdu districts in South Korea, within two weeks prior to the intended entry. ▪ The Sarawak government has imposed a temporary entry ban against foreign travellers coming to Sarawak who have visited China, South Korea, Italy or Iran within two weeks prior to the intended entry. Sarawakians, Sarawakian permanent residents, work and student pass



Jurisdictions	Employer obligations	Additional considerations
	<p>below, regardless of occupation; or (ii) 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. Based on verbal queries made to the MOHR, the position seems to be the latter.</p> <p>Media Statement by the MOHR</p> <p>MOHR issued a media statement on 4 March 2020 instructing that, for compliance with the OSHA, employers are required to take preventive steps against the Coronavirus outbreak at the workplace (Instructions). The Instructions include the requirement for employers to take the following measures:</p> <ul style="list-style-type: none"> (a) assess risks and improve work procedures to reduce the risk of exposure to the virus, especially for customer-facing industries; (b) monitor the health of employees who have visited countries impacted by the Coronavirus, and require those showing symptoms of cough, fever and breathing difficulties to seek immediate medical treatment. Employers should adhere to quarantine orders served on their employees by a registered medical practitioner or other relevant authorities; 	<p>holders will be subjected to a compulsory 14-day home quarantine and random monitoring by the medical authorities.</p> <ul style="list-style-type: none"> ▪ The Sabah government has imposed a temporary entry ban against foreign travellers coming to Sabah who have visited China within two weeks prior to the intended entry. Residents of Sabah will be subjected to a compulsory 14-day home quarantine, unless advised otherwise. ▪ Malaysians have also been advised by the Health Ministry against travelling to China, South Korea, Japan, Italy and Iran, due to the rise of Coronavirus infections in these countries. <p>Measures adopted by employers</p> <p>Many employers in Malaysia have banned non-essential business travel.</p> <p>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.</p>



Jurisdictions	Employer obligations	Additional considerations
 <p>PHILIPPINES</p>	<p>On 31 January 2020, the Philippine Department of Labor and Employment (DOLE) issued Labor Advisory No. 04 - series of 2020 (Guidelines on 2019 Novela 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).</p> <p>On 4 March 2020, DOLE issued Labor Advisory No. 09 - series of 2020 (Guidelines on the Implementation of Flexible Work Arrangements as Remedial Measure Due to the Ongoing Outbreak of Coronavirus Disease 2019). Employers may adopt temporary flexible working arrangements (e.g., reduction of workhours or workdays, rotation of workers, forced leave) as remedial measures to respond to the Coronavirus. To implement such arrangement, an employer must (1) consult its employees first before implementing such arrangement, (2) notify the DOLE about the adoption of such arrangement at least one week prior to the arrangement's implementation, and (3) post a copy of DOLE Labor Advisory No. 09 - series of 2020 in a conspicuous location in the workplace.</p> <p>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</p>	 <p>Working from home</p> <p>An employer is entitled to direct an employee to work from home to ensure the safety and health of its employees.</p> <p>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.</p> <p>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 does 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. The adoption of such a work arrangement should comply with the consultation, notice, and posting requirements provided under DOLE Labor Advisory No. 09 - series of 2020.</p>



Jurisdictions	Employer obligations	Additional considerations
	<p>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.</p> <p>In addition, on 5 March 2020 the Philippine Economic Zone Authority (PEZA) issued Memorandum Circular No. 2020-011 (Circular) which authorizes PEZA-registered Ecozone IT Enterprises to implement alternative work arrangements in response to the Coronavirus situation in the Philippines. Generally, PEZA-registered enterprises may only operate within their respective PEZA-registered areas of operations, which must be located within a PEZA Economic Zone/ IT Park or IT Building. The general position is that PEZA approval must be secured before a PEZA enterprise may implement alternative work arrangements including allowing its employees to work remotely from their home or from other locations. However, the Circular allows Ecozone IT Enterprises to immediately implement certain measures without the need to obtain a PEZA Letter of Authority first. Permitted measures include, for example, working from home by certain employees delivering critical services.</p>	<div data-bbox="1205 464 1346 603" data-label="Image"> </div> <p>Taking leave</p> <p>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.</p> <p>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. The adoption of such work arrangement should comply with the consultation, notice, and posting requirements provided under DOLE Labor Advisory No. 09 - series of 2020.</p>



Jurisdictions	Employer obligations	Additional considerations
		<p data-bbox="1205 467 1346 608"></p> <p data-bbox="1379 472 1615 499">Travel restrictions</p> <p data-bbox="1379 523 2000 582">As of 10 March 2020, the following travel restrictions are in place:</p> <ul data-bbox="1379 608 2018 1369" style="list-style-type: none"><li data-bbox="1379 608 2018 762">▪ 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.<li data-bbox="1379 788 2018 981">▪ Filipinos have been temporarily prohibited from traveling to China, Hong Kong and Macau except Filipino overseas workers, students, and permanent residents bound for Hong Kong and Macau. The ban on Filipinos traveling as tourists is still in effect.<li data-bbox="1379 1007 2018 1098">▪ The government has recommended the voluntary repatriation of all overseas Filipinos in Hubei Province, China.<li data-bbox="1379 1123 2018 1182">▪ South Korea has temporarily suspended the visa-free entry of Filipino tourists to Jeju, South Korea.<li data-bbox="1379 1208 2018 1369">▪ Filipino tourists have been temporarily barred from leaving the country to travel to some areas in South Korea (i.e., North Gyeongsang province, Daeugu, and Chongdo). Filipinos going to South Korea (except to North Gyeongsang province,

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		<p>Daeugu, and Chongdo) will be allowed to travel provided that they sign a declaration signifying their knowledge and understanding of the risks involved.</p> <ul style="list-style-type: none"> ▪ Certain countries have introduced travel bans that may affect travellers travelling from or who have recently travelled to the Philippines from entering e.g., The Kingdom of Saudi Arabia, Kuwait, Qatar. <p>Measures adopted by employers</p> <p>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.</p> <p>Employers are generally limiting non-essential business travel to affected areas.</p>
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SINGAPORE

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.



Working from home

Employees with recent travel history to mainland China, South Korea, Iran and northern Italy will be required to serve a 14-day Stay Home Notice upon their return to Singapore. These employees are required to stay at home at all times upon their return to Singapore. Employers must therefore direct these

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	<p>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 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 SGD 10,000 or imprisonment of up to six months or to both. Repeat offenders will be fined up to SGD 20,000 or imprisoned for up to 12 months or both.</p> <p>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 (MoM) has a webpage (https://www.mom.gov.sg/2019-ncov) which collates the measures the Singapore government is recommending employers to take.</p>	<p>employees not to come to work, and are also required to ensure that these employees are able to obtain their own meals and daily necessities. If these employees are not able to obtain their own meals and daily necessities then their employers must make arrangements for these employees. Employees serving the 14-day Stay Home Notice are to be considered as taking paid hospitalisation leave.</p> <p>Employers must also seek approval from the MoM before any of its work pass holders return to Singapore from mainland China, South Korea, Iran or northern Italy.</p> <p>The MoM has been taking action against employers and employees that fail to respect the home quarantine orders by allowing their employees back to work or by failing to obtain prior approval for re-entry into Singapore, or by leaving home respectively.</p> <p>In this regard, the MoM has recently</p> <ul style="list-style-type: none"> ▪ cancelled the work passes of four foreign employees and suspended the work pass privileges of six employers for two years for breaching the home quarantine requirement, ▪ revoked the work passes of two further foreign employees and suspended the work pass

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privileges of their employer for failing to obtain prior approval for their return to Singapore, and

- revoked the Singapore permanent residency status of a Singapore permanent resident and banned him from re-entering Singapore in the future.

If an employer allows an employee to return to work while the employee is supposed to be on the 14-day Stay Home Notice, a case could also be made that the employer has aided and abetted the employee to commit an offence under the Infectious Diseases Act.

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 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.

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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.



Travel restrictions

Travellers arriving from mainland China, South Korea, Iran and northern Italy will not be allowed to enter or transit through Singapore. These restrictions do not apply to Singaporeans, permanent residents, and work pass holders whose employers have obtained prior approval from the MoM for their return to Singapore.

Nevertheless, if an employee has been to mainland China, South Korea, Iran or northern Italy 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 Stay Home Notice and he/she will

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be required to stay at home at all time for the duration of the Stay Home Notice.

All work pass holders regardless of nationality with travel history to mainland China, South Korea, Iran and northern Italy are not able to enter Singapore without prior approval from the MoM before they commence their journey. 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 house such returning employees for the duration of their 14-day Stay Home Notice 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>



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Measures adopted by employers

Some employers are asking their employees to work from home or are implementing a split team arrangement (where some members of the team work from home while the rest of the team work in the office).

Many employers are conducting or have made arrangements for regular office disinfection and are making sanitizers available etc.



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



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



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	<p>ventilation and cleanliness in the workplace, and ensuring regular disinfection; and</p> <ul style="list-style-type: none"> Having in place sufficient masks, and not prohibiting employees from wearing them. <p>Reporting obligation</p> <p>Employers have an obligation to report a suspected Coronavirus case to competent authorities within 24 hours. Failure to do so shall subject the responsible person to a fine.</p>	<p>contract, constructive dismissal or disability discrimination claim.</p> <p>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.</p> <p>Taking leave</p> <p>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.</p> <p>In the event that an employee is infected with the Coronavirus and placed under quarantine, he/she will be entitled to occupational sickness leave with full pay if it is due to occupational factors. If it is <u>not</u> on account of occupational factors, he/she will be entitled to annual leave (full pay), ordinary sickness leave (half pay for the first 30 days of leave within a year, and no pay thereafter) or personal leave (no pay). If the company's policy offers more favorable payment, such policy prevails.</p>





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		<p>In the event that an employee is put under quarantine by the authorities, the employee is entitled to quarantine leave, and the wage entitlement depends on the following:</p> <ul style="list-style-type: none">▪ If it is due to occupational factors, he/she is entitled to full pay.▪ If not, the employer has discretion to decide whether and how much to pay. The employee, however, may elect to take his/her annual leave (full pay), ordinary sickness leave (half pay for the first 30 days of leave within a year, and no pay thereafter) or other types of leave as per company policy in order to receive more favorable payment. <p>In the event that an employee is put under self-health management by the authorities:</p> <ul style="list-style-type: none">▪ The employee is entitled to annual leave (full pay), ordinary sickness leave (half pay for the first 30 days of leave within a year, and no pay thereafter) or personal leave (no pay). If the company's policy offers more favorable payment, such policy prevails.▪ If the employee decides to work, the employer may still put the employee on leave with full pay.

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		<p>In the event that an employee needs to take care of a dependent who is put under quarantine by the authorities, the employee is entitled to quarantine leave, and the employer has discretion to decide whether and how much to pay. The employee may, however, elect to take his/her annual leave (full pay), ordinary sickness leave (half pay for the first 30 days of leave within a year, and no pay thereafter) or other types of leave as per company policy in order to receive more favorable payment.</p> <p>In the event that an employee needs to take care of a dependent who is put under self-health management by the authorities, the employee is entitled to annual leave (full pay), family care leave (no pay) or personal leave (no pay). If the company's policy offers more favorable payment, such policy prevails.</p> <p>In addition, because Taiwan's Ministry of Education previously announced postponing schools for two weeks from 11 February 2020 11 to 24 February 2020, a parent who needs to take care of a child under 12 years old during such school suspension is entitled to a special care leave (wage entitlements subject to employer's discretion).</p>



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		<p>If the employer decides to pay for quarantine leave, the employer may be eligible for a tax reduction for such payments.</p> <div data-bbox="1205 598 1348 742" style="display: inline-block; vertical-align: middle;"> </div> <p>Travel restrictions</p> <p>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.</p> <p>According to the latest information (as of 9 March 2020):</p> <ol style="list-style-type: none"> 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 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, except for spouses of Taiwanese



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		<p>nationals with an alien resident certificate. Spouses with an alien resident certificate must quarantine themselves at home or a designated place for 14 days. Hong Kong and Macau citizens: Effective from 11 February 2020, entry to Taiwan has been suspended, except for those who visit Taiwan for the performance of contractual duties or due to internal transfer within multinational corporations, spouses with an alien resident certificate (ARC) or under-aged children.</p> <ol style="list-style-type: none"> 3. 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. 4. Foreign nationals with an alien resident certificate arriving from mainland China, Hong Kong or Macau, foreign nationals transferred from China, Hong Kong or Macau, and foreign nationals from Korea, Italy, and Iran (excluding transfer passengers) shall quarantine themselves at home or a designated place for 14 days. 5. The restrictions above will be adjusted from time to time.

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 <p>THAILAND</p> <p>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.</p> <p>Employers in Thailand should monitor announcements made by the Thai government and take appropriate precautionary measures to comply with their duties.</p> <p>Pursuant to the Communicable Diseases Act, B.E. 2558 (2015), an owner of or a person controlling a business facility (or any place of business) has a legal obligation to notify a communicable disease control officer within three hours after finding on the premises an infected person or where they have a reasonable ground to suspect that a person on the premises is infected with</p>		 <p>Measures adopted by employers</p> <p>Many employers are asking their employees to work from home at the moment</p> <p>Some employers are coming to a mutually agreed arrangement with employees to take a period of unpaid leave.</p>  <p>Working from home</p> <p>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.</p> <p>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.</p>

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the Coronavirus. Failure to do so will subject the owner/controlling person to a fine of up to THB 20,000.



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.



Travel restrictions

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 banned non-essential business travel.

Significantly, on 5 March 2020, the Ministry of Public Health issued Notification Re: Areas Outside the Kingdom of Thailand as Disease Infected Zone of Coronavirus Disease 2019 (COVID-19) (Notification). It became legally effective on 6 March 2020.

According to the Notification, Korea, China, Macau, Hong Kong, Italy and Iran are now listed as disease infected zones under the Communicable Diseases Act, B.E. 2558 (2015) (Act). Communicable disease control officers stationed at international communicable disease control checkpoints will have

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the power under the Act to order an owner or operator of conveyors entering Thailand from a disease infected zone to carry out certain activities, including conducting disinfection or requiring travellers to have a medical check-up (in such case, the traveller may be isolated, quarantined or controlled for observation or may receive immunization at a specified place and time). Failure to comply with the order will incur criminal liability.

As of 11 March 2020, the Ministry of Public Health (MOPH) has ordered travelers from Korea, China, Macau, Hong Kong, Italy and Iran to self-quarantine at his/ her accommodation for a period of not less than 14 days without leaving (unless approved by a disease control officer) until the end of the infectious period. Throughout the period of quarantine, the traveler must record his/her own symptoms in the reporting system and monitor his/her symptoms strictly required by the MOPH. There will be a surveillance officer to closely monitor the traveler's symptoms. Travellers who fail to comply with the quarantine order will be subject to a maximum one-year's imprisonment and/or a maximum fine of THB 100,000.

Moreover, the Ministry of Public Health has made non-mandatory recommendations for workplace

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safety for personnel travelling to countries or cities with reports of outbreaks as follows:

- Keep up-to-date with the list of countries or cities that have reported outbreaks before planning to travel by visiting the Department of Disease Control's website (i.e., <https://ddc.moph.go.th/viralpneumonia/index.php>).
- Cancel or delay unnecessary travel to those countries or cities.
- If travel cannot be avoided, the individual should have health insurance before travelling.
- When travelling to countries or cities with reports of an outbreak, the individual should wear a hygienic mask, avoid travelling to crowded places and strictly comply with the recommendations of each country.
- During travel, if the individual has a fever, a cough, a sore throat, or a runny nose, the individual should seek medical treatment from a doctor immediately and also request a medical certificate.
- Before travelling back to Thailand, if the individual is sick before boarding the plane, the individual must notify the airline staff in advance in order for

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them to evaluate the risk of spreading the disease. The individual may not be allowed to board the plane if the individual is sick and has no medical certificate.

- When travelling back to Thailand, the individual must:
 1. cooperate with the screening at the disease control checkpoint and notify the official immediately if the individual is sick;
 2. monitor and check their fever every day for 14 days after returning from the area that has reports of an outbreak; and
 3. during the 14 days of monitoring, separate personal items, do not eat or talk too close to other people, cancel activities that involve many people, cancel meetings, do not go to crowded places such as markets or shopping malls, stay at home as much as possible, and go out only to the extent necessary.

Further, if the individual has symptoms of fever, cough, sore throat or runny nose within 14 days after returning from the area with reports of an outbreak, the individual should visit a doctor and

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immediately notify the hospital staff of his/her travel history.

Any taking of holiday or leave or working from home will depend on the decision of each entity.

In addition, on 8 March 2020, the Notification of the Civil Aviation Authority of Thailand on Practical Guideline for the Air Operators Relating to the Services to be Provided in the Territories outside Thailand Defined as Disease Infected Zones of the Coronavirus Disease (COVID – 19) Outbreak was issued. However, this Notification is non-mandatory and is only a guideline. According to the Notification, there are specific provisions specified as follows:

1. Passengers from disease infected zones shall be subject to quarantine and any other measures for the prevention and control of communicable diseases as imposed by the government of Thailand.
2. Air operators providing services from departing airports in disease infected zones are required to perform screening of passengers at the time of check-in. Passengers will need to present a health certificate certifying that they have no risk of having the Coronavirus. If any passenger is unable to present such a certificate, boarding



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		<p>shall be denied and the boarding pass shall not be issued.</p> <ol style="list-style-type: none">3. Air operators may apply the measures specified in (2) above for the screening of passengers who are departing from any country affected by the Coronavirus as detailed in the report of the Ministry of Public Health or World Health Organization.4. After being satisfied with the health certificate and after the boarding passes are issued, the air operators shall furnish the passengers with an official notification form and require them to complete and submit the completed forms to the communicable disease control officials at the control post on arrival at the airport in Thailand.5. The air operators shall be responsible for any expenses incurred relating to the isolation, quarantine, confinement for observation, and immunization of the persons onboard, including expenses for the care, hospitalization and prevention and control of international communicable diseases.6. Air operators are to strictly comply with the measures for the surveillance, prevention and control of dangerous communicable disease



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issued by the Ministry of Public Health under the Communicable Diseases Act B.E. 2558 (2015).

Air operators should notify their staff at the relevant departing airport and crew members of the above guidelines.



Measures adopted by employers

Some employers are asking their employees to work from home due to Coronavirus concerns especially those returning or whose family members have recently returned from countries that have reported Coronavirus outbreaks.

In addition, employers in Thailand have also been implementing the following measures:

- Screening employees via temperature checks.
- Asking employees about their own and family members recent travel and exposure.
- Regularly cleaning the office and workplace.
- Providing regular communications/updates to employees about the status of the disease in Thailand.
- Providing masks to employees.
- Asking employees not to visit countries that have reported outbreaks of the Coronavirus.



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VIETNAM

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 prevention of respiratory illness caused by the Coronavirus.



Working from home

Vietnamese law encourages employers to allow employees to work from home. Employers and employees can reach an agreement on the relevant home working arrangements.

There is no legal basis for an employer to unilaterally direct an employee to work from home. However, employees who have recently visited certain countries which have recorded a large number of coronavirus cases (e.g., China, Korea, Japan, Iran and several European countries) or who are suspected of suffering from the Coronavirus are required by the government to undergo a mandatory 14-day quarantine. Other employees who are not subject to the quarantine measures, but who have symptoms of illness should be asked to remain out of the office.



Taking leave

Generally speaking, an employer may set the annual leave schedule of an employee although it would be unusual to do so in the context of an epidemic.

- Installing hand alcohol sanitizer dispensers in the workplace.



Jurisdictions	Employer obligations	Additional considerations
	<p>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.</p>	<p>An employer will need to obtain the employee's consent to unpaid leave.</p> <p>Travel restrictions</p> <p>Vietnamese authorities have advised citizens not to travel to countries where people have been infected by the Coronavirus.</p> <p>As of 1 February 2020, all passenger flights between Vietnam and mainland China have been suspended. Vietnam has also suspended a unilateral visa exemption for citizens of 10 countries, including: South Korea, Italy, Denmark, Norway, Finland, Sweden, the UK, Germany, France and Spain.</p> <p>Measures adopted by employers</p> <p>Numerous companies and factories in Vietnam have experienced workplace suspension.</p> <p>Under Vietnamese law, where an employer suspends work due to a dangerous epidemic (such as the Coronavirus), salary during the work suspension period is as agreed between the employer and employee but must not be lower the regional minimum salary.</p> <p>To prevent 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.</p>



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