

FREQUENT COVID-19 ISSUES FACED BY EMPLOYERS

HEALTH & SAFETY (including disease prevention)

The employer's **obligation to ensure security and hygiene at work and its legal preventive duty** shall in this Covid-19 crisis include, at least

- close monitoring of the situation,
- informing the employees about governmental measures, employer's measures, how to act, and about standard hygienic behaviour
- asking the employees to inform the employer about risky factors (their travel/return from risky regions, contact with risky persons, etc.)
- instructing employees feeling sick not to attend the workplace, to contact their physician and stay on sick leave or use sick days
- having a special contact person and updating employee's contacts
- increasing the hygienic standard at the workplace
- using teleconferences
- limiting contact among people
- equipping employees with protective means
- having action plans, etc.

The Slovak Government recommends that employers:

- use to the maximum extent distant work if employees can work from home
- encourage paid holidays and other paid leave
- limit work not substantial for the operations of the employer

MANDATORY QUARANTINE OF EMPLOYEES

Quarantine is ordered by the hygiene inspectorate or a physician (not the employer).

An employee is obliged to notify his/her employer of his/her absence and is entitled to receive salary compensation of **25% of the daily assessment base** (salary) for the first three days and **55% of the daily assessment base** (salary) from the fourth to the tenth day (i.e., for 10 days) from the employer.

Subsequently, **sick leave allowance is paid by Social Security** (from the eleventh day).

Violation of the quarantine is strictly sanctioned (including a financial penalty of up to EUR 1,659).

PREVENTIVE QUARANTINE (ISOLATION) OF EMPLOYEES

Instruments if the employer does not wish employees at work and the conduct recommended by the Government

Agreement on paid leave: a unilateral order to take paid leave can be issued in writing at least 14 days prior to start of paid leave, with the employee's agreement the paid leave (holiday) can start

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immediately. During paid leave, the employee is entitled to get **100% of his/her average earnings**.

Agreement on home-office, if possible, with respect to the nature of the work and accepted by the employee. **Home-office cannot be ordered**. Costs incurred by the employee are to be paid by the employer, for example, internet connection, electricity, etc.; security and hygiene at work must be assured even at home, other aspects such as reporting, cybersecurity, etc., are to be taken into account by the employer). The employee is paid with **his/her salary**.

Rescheduling of shifts can be within weekly working hours planning, provided that the employee must be notified about any modification of his/her shifts based on such planning 1 week in advance at the latest, unless there is another agreement with the employee.

An agreement can be made with the employee to **take compensatory leave for overtime work/work during bank holidays** performed within the last four months instead of overtime/work during bank holiday compensation.

Requests from employees for unpaid leave or for supplementary spare leave which will be made up for in the future can be accepted. These measures cannot be imposed by the employer.

If no such measure is possible or agreed upon, the employee will have “obstacles”, in most cases with 100% compensation. See below.

EMPLOYEE REFUSING TO WORK

An employee can only refuse to work if there is a reasonable concern that the performance of work might threaten the employee’s (or a third person’s) health or life, otherwise such absence might be considered as unexcused (leading in the worst case to the termination of employment).

The concrete situation, nature of work, condition of the employee and other aspects are to be taken into account and, if possible, matters should proceed as in the case of preventive isolation above.

CARE LEAVE (SCHOOLS CLOSED)

Employers are obliged to allow employees caring for **children up to 10 years old** to take care leave if their children cannot attend school due to school quarantine or if the school has been closed (for reasons of epidemic).

The employee shall inform the employer thereof.

The employees are **paid through Social Security** during the care leave as in the case of sick leave or quarantine.

Care leave compensation is normally paid for a period of 10 days; however, the Slovak Government has firstly advised the Social Insurance Agency to prolong this to 14 days and later **to the entire period for which the extraordinary situation/state of emergency is declared and schools and pre-school facilities are closed**. Therefore, started 14-day care leave and compensation thereof will be automatically extended, without a parent having to submit a new application. A new application is only needed if the parents need to exchange one another. They may exchange places at the earliest after the expiry of 10 days.

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LIMITATION OF PRODUCTION, TEMPORARY CLOSURE OF EMPLOYER/ITS PART

Due to governmental decisions many establishments were closed for the public and other entrepreneurs are suffering losses due to a lack of staff, and a decrease in demand for their products or services.

In case of obstacles on the side of the employer, which are influencing/stopping the operation of the employer, employees are entitled to **salary compensation in the amount of 100% of their average salary**.

In case there is a **written agreement with employee representatives** (trade unions/work council) about serious operation reasons (which may include a quarantine/epidemic if agreed), the salary compensation can be lowered to a minimum of **60% of the employee's average salary**. However, in Slovakia, the employer cannot decide unilaterally about serious operation reasons – they can only be agreed upon with employee representatives. Also, such agreements may not be concluded individually with particular employees.

OTHER ISSUES

Employers shall proceed sensitively and without discrimination.

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This summary is for informational purposes only and may not be considered a legal opinion or advice on how to proceed in a particular case. The summary reflects the status as of March 23, 2020.

*For any legal matters arising in these special circumstances, please do not hesitate to contact our **COVID-19 Help desk** at covidhelpdesk@peterkapartners.com.*