



**PETERKA PARTNERS**

THE CEE LAW FIRM

# **CORONAVIRUS: EMPLOYMENT ISSUES IN UKRAINE**

Webinar on current topic

20.03.2020

# SPEAKERS



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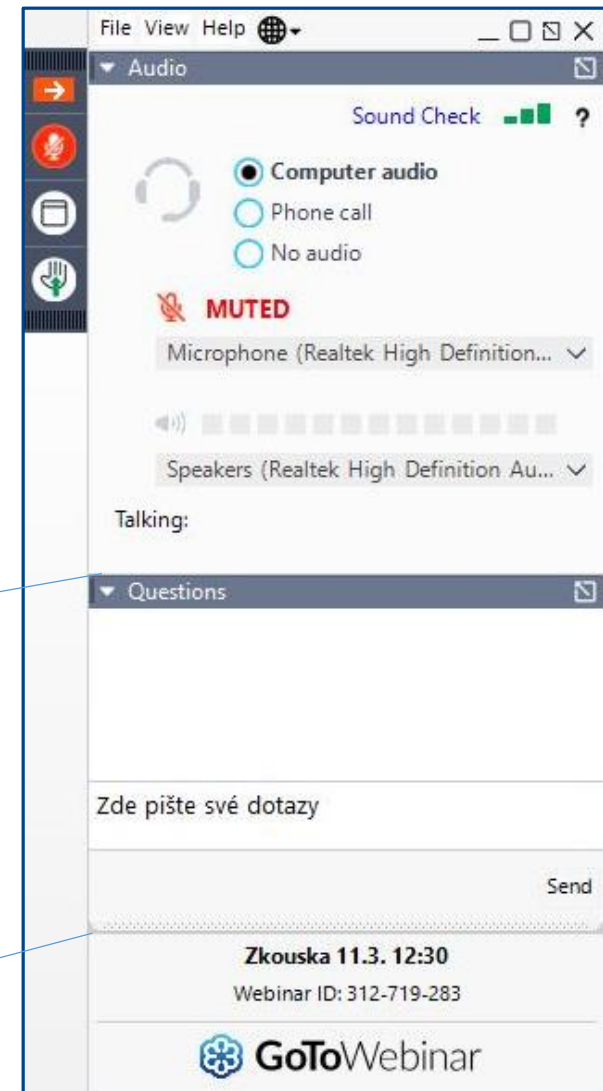
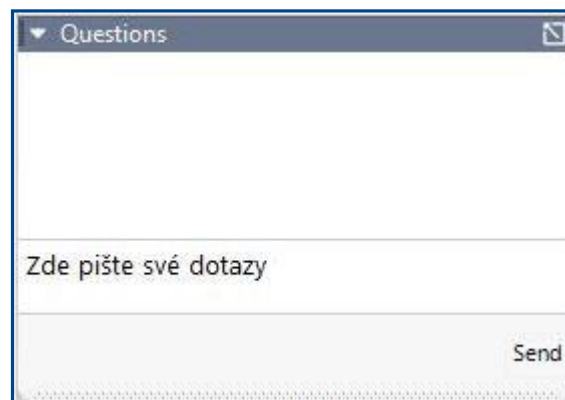
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# LIVE

This webinar is streamed live.

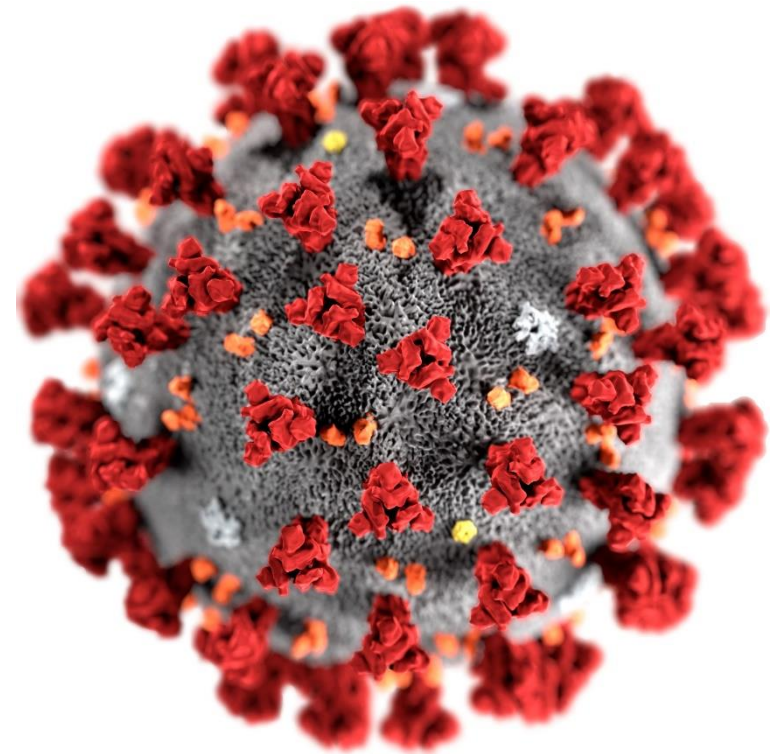
With regard to the number of participants, we only broadcast it in the so-called listening format.

You can send us your questions and comments via the internet interface.



# A few facts to begin with

- Coronavirus SARS-CoV-2, disease COVID-19
- The first cases reported from Wuhan (China) in December 2019
- The most affected countries now are China, Italy, Iran, Spain, Germany, US, France, South Korea
- 1st case in Ukraine - 03.03.2020
- Currently 23 active cases in Ukraine
- Quarantine in Ukraine set from March 12 to April 3, 2020
- Symptoms: fever, cough, shortness of breath, muscle pain and fatigue
- Incubation period: maximum 14 days



# What measures have been taken to prevent the spread of coronavirus in Ukraine?

## Prohibition of gatherings by:

- Ban on events/gatherings involving more than 10 people

### ***Exceptions:***

- ✓ trade of food, fuels, hygiene products, medicines and medical products
  - ✓ when ensuring work of state and local self-government bodies
  - ✓ banking and insurance activities
- 
- Suspension of work of
    - educational institutions
    - restaurants/cafes
    - shopping and entertainment centers
    - fitness centers and cultural establishments, alike



# What measures have been taken to prevent the spread of coronavirus in Ukraine?

## Restrictions on movements:

- Ban on entry to Ukraine of foreigners from 16 march 2020 for the next two weeks
- Closure of borders for regular passenger service from 17 march 2020 for the next two weeks
- Ban on rail, air and bus intercity and interregional passenger transportation, subways; limitation up to 10 people together in passenger transport (until 03.04.2020)



# Preventive measures for employers

The employer is obliged to create safe and non-threatening working environment and conditions for the employees. Monitoring measures and recommendations of state authorities in this respect is highly important.

## **Authorities advise employers:**

- to increase hygiene measures at workplaces
- to change work regime for reception / servicing of natural and legal persons
- to be attentive to employees and ensure sending the employee to medical examination in case of illness signs detection
- to support employees that need to be self-isolated
- to maximize the use of remote work / other working regimes for employees
- to provide the employee with vacations
- to develop a plan for emergencies and the possibility of continuous business

# So how to manage labor issues with employees while quarantine?

In general, establishment of quarantine regime does not preclude employees from work. However, it may require changes in the companies:



- Introduction of remote work
- Introduction of part-time work regime
- Provision of vacations
- Implementation of other measures (flexible working hours, shift work regime, downtime, etc.)



# Remote work from home

*(may be agreed if employee needs self-isolation, refuses to work in the office, cares children at home, problems with transportation, employer deems it reasonable, etc.)*

- Consent of the employee is needed
- Provision of the employee with all equipment required for work or compensation of amortization of personal equipment; reimbursement of costs (e.g. communications/work materials), if agreed
- No changes in work conditions (except for work place and connected issues), remuneration of the employee, etc., unless employer and employee agreed otherwise

## Part-time work

*(may be agreed for the same reasons as remote work; may be applied additionally to remote work)*

- Under mutual agreement between employee and employer
- Obligatory, if requested by a pregnant woman, woman having kids under 14 y.o. or child with disabilities, including a caregiver, or who cares for a sick family member in accordance with a medical report
- Remuneration to employee is paid in proportion to the working hours or production results

*If no consent of employee on the above changes: establishment of remote work or reduction of working hours may be implemented by the employer after 2 months after notifying the employee*

# Vacation

*(may be agreed with employee due to the same reasons as for remote work from home)*

**Employee has a right to request vacation. Employer may not order/send employee on vacation.**

Employee can ask for:

- Any remained part of regular paid vacation (e.g. annual main vacation for min 24 calendar days)
- Unpaid vacation up to 15-days – subject to mutual agreement with employer
- Specific vacation due to Quarantine:
  - Unpaid vacation to be provided to mother, father, grandmother, grandfather or other relative, who cares for the child under 14 y.o., or person who adopted the child under 14 y.o., stepparent of the child under 14 y.o. – employer is obliged to provide such vacation, if requested by employee
  - Unpaid vacation for the period of established quarantine (introduced by new law adopted due to quarantine) – subject to mutual agreement with employer

## Other measures

### Flexible working hours

*(to avoid crowding of employees, provide more flexibility in workflow if needed, to reduce crowds at peak hour etc.)*



- Could be set for particular departments/positions
- Consent of the employee is needed
- Duration of work day may not be more than 12 hours

# Transfer to shift work regime

*(to avoid crowding of employees, if workflow is overcharged, etc.)*

- Employer adopts shift work regime in company (could be for particular departments/positions)
- Consent of the employee is needed
- Rotation of shifts to be defined, Schedule of shifts to be adopted
- Extra charge of 20% of salary for night time work (from 22:00 to 06:00); certain categories may not work during night hours (pregnant women, women with children under 3 y.o., underage employee, other)





# Downtime

*(in case of obstacles from the side of employer– absence of organizational, technical possibilities to continue work, e.g. prohibition to perform activities due to quarantine, shortage of supply of raw materials, similar)*

- Decision of employer
- Employees are paid with not less than 2/3 of base salary (bonuses, premiums, other extra charges are not included)





## Reduction of staff

(in worst case scenario - inevitable measure for business)

- Upon initiative of the employer
- Dismissal in two months after notification of the employee, unless other mutually agreed with the employee
- Dismissal with compensation payment (1 average salary of the employee)

# Employee panics and doesn't show up at work

## Regular rules are applied:

- in case of absence of a good excuse - ground for disciplinary penalty up to dismissal (certain categories of employees cannot be subject to disciplinary penalty, e.g. women with children under 3 y. o. etc.)
- in case of existence of a good excuse (illness) confirmed by medical certificate - sick leave

## During Quarantine:

- Closing of kindergartens is considered as a good excuse
- Medical certificate can be issued to persons, who are still healthy, but contacted infected person
- Such employees above may be suggested to work remotely from home (upon their consent)

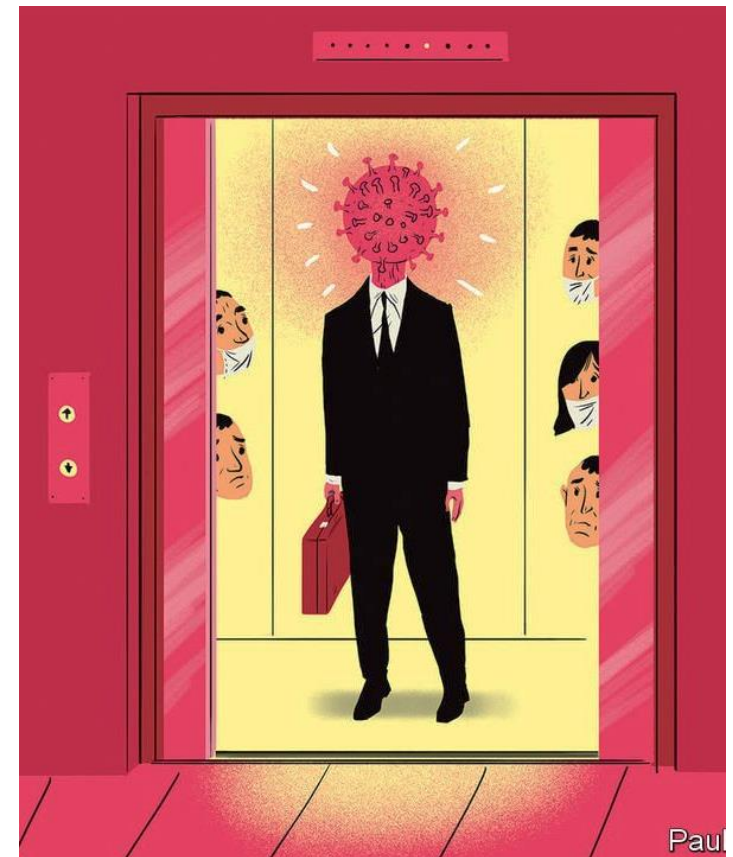
# Employee showed up sick / Just returned from areas of high risk of COVID-19

- in case of **detection of signs of disease** of employees employers are recommended to immediately refer such employees for medical examination
- if employee revealed to be ill, he/she obtains medical certificate and goes on sick leave

Refusal to undergo the examination may not be a ground for suspension from work.

- In case employees **contacted with infected persons**:
  - employee may obtain sick leave for self-isolation
  - employer may suggest, if possible, more isolated premises to work in/ remote work etc.
  - employer may suspend such employee from work

Authorities announced the introduction of e-procedure of obtainment of medical certificates.



# Useful contacts and links



## ■ Website

- Ministry of Health of Ukraine <https://moz.gov.ua/>
- Center for Public Health of Ukraine <https://www.phc.org.ua/>
- Ministry for Development of Economy, Trade and Agriculture of Ukraine <https://www.me.gov.ua/?lang=uk-UA>
- Ministry of Foreign Affairs of Ukraine <https://mfa.gov.ua/>
- State Labor Service <http://dsp.gov.ua/>

## ■ Telephone lines

- Center for Public Health of Ukraine – +380 44 425 43 54
- 24/7 Consular Operations Service- +38 (044) 238-16-57





Thank you for your  
attention and stay  
healthy!

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