PETERKA PARTNERS

THE CEE LAW FIRM

EMPLOYMENT WITH REGARD TO THE CURRENT COVID-19 CRISIS

Due to the last amendments to the legislature of Ukraine:

1. General recommendations to employers

- in case of detection of signs of disease of employees employers are recommended to immediately refer such employees for medical examination;
- if employee reveled to be ill, he/she obtains medical certificate and goes on sick leave. Medical certificate can be issued to persons, who are still healthy, but contacted infected person.

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.

2. Remote (home) work

Establishment of the requirement for the employer to enter into a written contract in case when the employee works remotely (at home). **Exception:** at the time of threat of spread of an epidemic, pandemic and (or) at the time of threat of military, technogenic, natural or other nature, the condition of remote (home) work and flexible working hours may be laid down in the order of the employer without obligatory conclusion in writing of an employment contract for remote (home) work.

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), unless employer and employee agreed otherwise;
- Unless the employee and the employer have agreed otherwise in writing, the remote (home) work provides full remuneration.

3. Reduction (part-time work)

Employees (insured persons, except for persons receiving a pension) upon the request of the employer for payment have a right on a partial unemployment benefits in case if such employees are losing part of their wages as a result of forced reduction of working hours due to termination (suspension) of production because of quarantine measures established to prevent the emergence and spread of COVID-19:

- - a partial unemployment benefit is set for each hour for which the employee has been reduced to working hours, at the rate of two-thirds of the tariff rate (salary), but not exceeding the amount of the minimum wage;
- - the payment shall be made by the employer from the first day of reduction of working time within the term of suspension (reduction) of production, but not more than the quarantine period;
- - the employer may apply for funds to pay employees with partial unemployment benefits within 30 calendar days from the date of suspension (reduction) of production.

4. Downtime

The downtime because of the introduction of a quarantine shall be considered a downtime which is not the fault of the employee and is paid at the rate of not less than 2/3 of the tariff rate (salary) set for the employee.

5. Vacation

An Employee may ask for any remained part of regular paid vacation (e.g. annual main vacation for min 24 calendar days).

Specific vacation due to Quarantine:

- If requested by an employee an employer is obliged to provide unpaid vacation 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.
- Unpaid vacation for the period of quarantine may be provided in the case of a mutual agreement with employer and this period is not included to the general 15-days term established for unpaid vacation.

6. Granting a status of an unemployed person

During the quarantine period the status of an unemployed person is granted to persons from the first day of their registration in the territorial bodies of the State Labor Office upon their personal application without requiring the availability of suitable work.

Unemployment benefits are granted from the first day of granting the status of unemployed. Unemployment benefits can be paid without a personal visit of the unemployed person to the territorial body of the State Labor Office, provided that the unemployed person intends to stay in the status of unemployed by any means of communication (telephone, electronic means, etc.).

7. Payment of a temporary disability allowance

An employee shall be paid a temporary disability allowance of 50% of the average salary (but not more than 21,020 UAH per month) during the COVID-19 countermeasure for the period of staying in specialized health care institutions and for self-isolation under medical supervision.

The first five days of temporary disability because of an illness or injury not related to an accident at work shall be paid at the expense of the employer.

Temporary disability allowance is paid by the State Fund to insured persons beginning from the sixth day of disability for the whole period before the restoration of working capacity or before the establishment by the medical and social expert commission of disability regardless of the dismissal, termination of business or other activity of the insured person during the period of disability.

For any further information and assistance with respect to the above and any other COVID-19 related legal matters, please do not hesitate to contact our **COVID-19 Help desk** at at covidhelpdesk@peterkapartners.com.

The document reflects the status as of April 3, 2020.
This document is for informational purposes only and may not be considered a legal opinion or advice on how to proceed in a particular case.