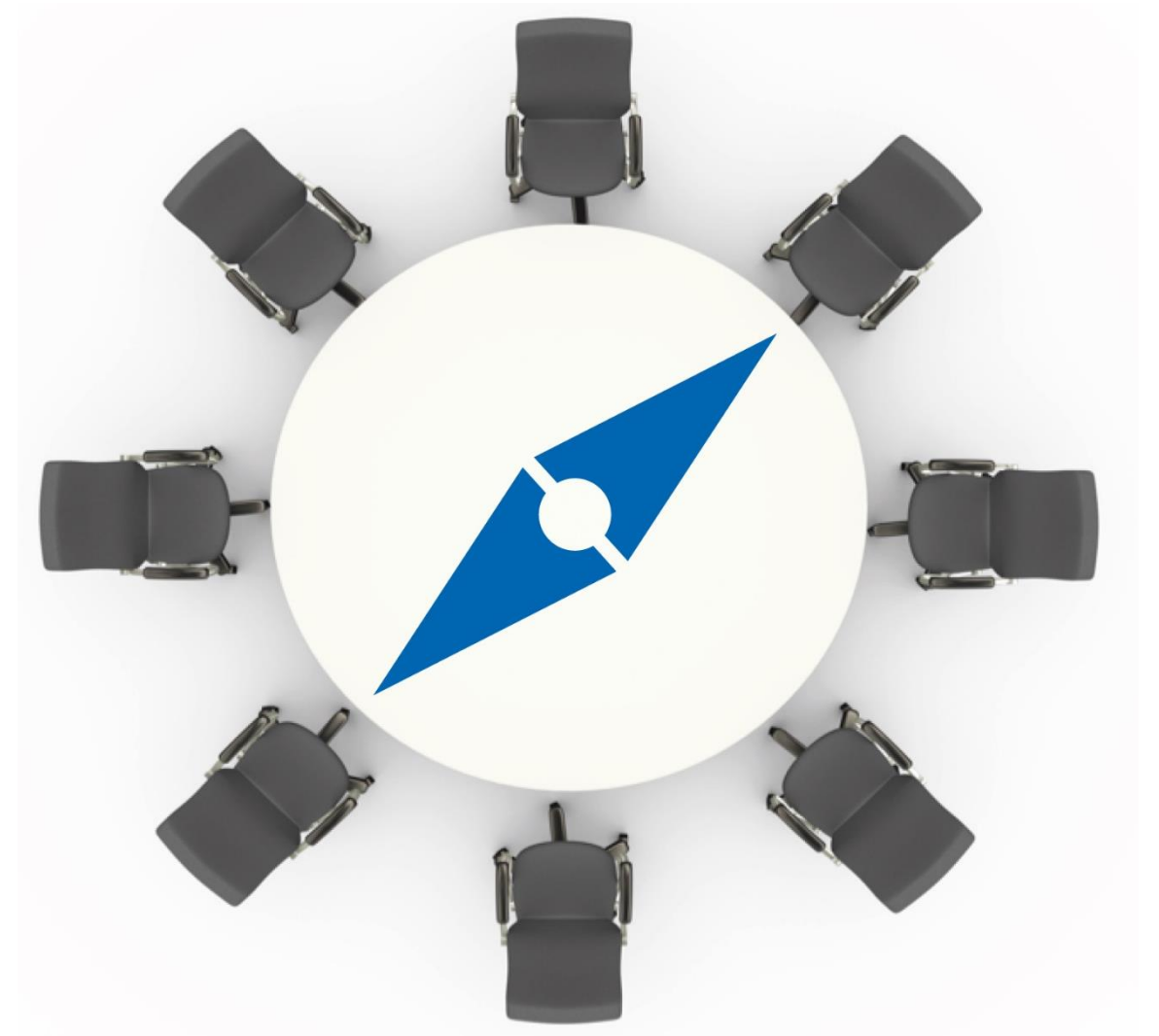


**Multinational Employer Back to Workplace Planning**  
COVID-19 Employment Considerations



## Protecting the workforce

### Practical action points

- Establish a senior team
- Determine how and when to return employees to the workplace and what work will look like when they return
- Carry out workplace risk assessment and determine approach to PPE/work area adjustments/arrangements/disinfection/social distancing
- Determine an approach/develop a procedure for employees reporting diagnosis, symptoms or exposure to COVID-19, including information to be disclosed; disclosure procedure; what will happen to the information and data privacy safeguards
- Develop a communication plan, including for responding to questions and concerns raised
- Determine whether data privacy notices/data protection governance documents should be adjusted
- Apply industry-specific requirements

### Legal issues to consider

- Risk assessment and work environment obligations:
  - disinfection/cleaning
  - social distancing, including local definition of "close contact"\*
  - PPE, including masks/face coverings – permitted/required\*/must employer provide/specific type requirement?
  - workforce number restrictions?
  - health/temperature screening – permitted\*/required\*/who can carry out testing/approval required?
  - doctors note/contact-tracing app result disclosure– permitted/required?
  - regular monitoring – permitted/required?
  - vulnerable/high-risk staff - local definition of high risk; local restrictions around identifying high-risk employees; local requirements regarding return to work of vulnerable staff
  - staff testing positive for COVID-19 - any requirement to notify any government or other public authorities?
  - symptomatic staff - local self-isolation requirements; local specified symptoms; contact with symptomatic individuals; required procedure for staff who are taken ill in the workplace; any requirement to notify any government or other public authorities?
- Legal information and consultation requirements with any union/H&S representatives/employee representatives/works council regarding return to work plans\*/workplace health and safety policies/procedures
- Any industry-specific legal requirements?

### Documents

- COVID-19 risk assessment
- Pre-opening checklist
- Employee FAQs
- Manager FAQs
- Information pack/training materials
- Return to work checklist
- Data protection assessment
- Workplace safety policy
- Guidance for sick employees
- Temperature/health screening policy
- Protocol for employees symptomatic on-site
- Lone working policy

## Workforce mobility

### Practical action points

- Establish where there are border closures
- Check any travel restrictions
- Determine any visa issues/immigration requirements
- Determine an approach to support travelling employees
- Check insurance coverage
- Determine any impact on benefits

### Legal issues to consider

- Travel restrictions/guidance for all relevant jurisdictions
- Legal implications of staff temporarily working in a different country:
  - Tax/social security
  - Immigration
  - Application of local employment laws
- Legal implications of temporary arrangements
  - Engaging the individual via a third party
  - Engaging the individual as an independent/self-employed contractor
  - Amending contract to allow remote working from the country where the individual is currently based
- Insurance risk

### Documents

- Employee communications
- Working certificate
- Letter regarding temporary arrangements

## Enabling the workforce

### Practical issues

- Determine organisational approach re:
  - priority areas for reopening
  - timing – staggered return?
  - selection in the event of a phased return
  - need for employees to be physically in the workplace
  - need for flexibility of hours/roles
  - pay/leave
  - employees unable to return due to quarantine/self-isolation
  - employees unwilling to return due to fear of infection/wishing to continue to work remotely
- Apply industry-specific requirements

### Legal issues to consider

- Legal requirements re: relaxation of lockdown e.g. staggered shifts, employee number restrictions
- Legal requirements re: leave/pay\*
  - Staff who have tested positive for COVID-19
  - Staff living with someone who has tested positive for COVID-19
  - Staff quarantined/self-isolating on government direction/guidance
  - Staff unable to work due to school closures
  - Staff unwilling to return due to fear of infection
- Availability of government relief available in different leave scenarios
- Working hours/conditions requirements/restrictions
- Remote working requirements
- Legal requirements re: staff flexibility on hours/location/role
  - Contractual position – express and implied
  - Options, if any, for changing terms and conditions
  - Requirement for consent/consultation with union/ employee representatives/works council regarding staggered working hours
  - Options if consent not given
- Available options if staff do not adhere to PPE/health and safety requirements
- Available options if staff do not want to return to work and wish to continue to work remotely

### Documents

- Employee FAQs
- Manager FAQs
- Training materials
- Updated flexible work/sickness/absence/leave/disciplinary policies
- Template documents for changes to terms
- COVID-19 risk assessment
- Updated safe system of work and instructions

\*See over page

	Social distancing	Temperature testing permitted/required(assuming no data is collected/processed)?	Specific PPE requirements e.g. masks	Consultation obligations re: return to work plan/measures?	Can flexible working/telework be imposed, e.g. to implement a staggered return to work	Entitled to pay if denied entry to the workplace due to potential COVID-19 symptoms ?	Entitled to pay where cannot work where schools remain closed/child sick with COVID-19?
<b>Austria</b>	At least 1m between persons	Yes, with consent	Employees must wear face masks, especially where in customer contact	Any return to work measures require consultation with any Works Council	Yes, if contractual right. Otherwise, by mutual agreement	The employer may request doctor certificate. Sick pay entitlement if sick	Nursing leave or special leave may apply, subject to conditions
<b>China</b>	At least 1m between persons	Yes	Masks (disposable medical/surgical) recommended when in close contact	No	Yes, if commercially feasible	Yes	Depending on locality, pay may be available for one parent
<b>Czech Republic</b>	At least 2m between persons	Yes	Respiratory PPE mandatory inside buildings, on public transport and where social distance of 2m is not maintained	No	Changes to hours with notice. Working from home with consent	No, however working from home should be implemented if possible	Employees may be eligible for state care benefit, subject to conditions
<b>Denmark</b>	At least 1m between persons	Generally no, unless control measure	No	No	Yes	Yes, salaried employees entitled to sick pay	Generally no if school closure. Pay where child sick depends on contract /CBA /policy
<b>Estonia</b>	At least 2m between persons	Yes	No general obligation	No	Yes, if mutually agreed	Sick pay may be available if infected	Child leave may be available
<b>Finland</b>	At least 1m between persons	Permitted, must generally be carried out by health professional	No mandatory requirements except for health care/social welfare professionals	Yes	Yes, if contractual right. Otherwise, by mutual agreement	Yes	Unpaid leave may be available (collective agreements may entitle employees to receive salary).
<b>France</b>	At least 1m between persons; at least 4m2 per employee in workplace	Subject to strict conditions	No PPE requirements unless social distancing cannot be maintained	Yes	Yes	Yes, subject to medical check being actioned by employee	Employees may be entitled to partial activity
<b>Germany</b>	At least 1.5m between persons	Not permitted, unless with freely given and informed consent	Face mask requirement in B2C establishments	Works Council (if any) will have a right of co-determination	Yes, if contractual right. Otherwise, by agreement	Yes, sick pay	Dependant on contractual position
<b>Hong Kong</b>	Gatherings of >4 people prohibited in many cases	Yes	Surgical mask and hand hygiene recommended	No	Yes (can be unilateral if a health issue)	Yes, sick pay subject to conditions	No
<b>Hungary</b>	At least 1.5m between persons	Subject to strict conditions	Masks not mandatory in workplaces, but required in shops/public transport	No	Yes	Sick pay may be available	Unpaid leave may be available
<b>Ireland (ROI)</b>	At least 2m between persons	May be permitted where strong justification	No mandatory requirements	No	Yes, if the employer acts reasonably and proportionately	Illness benefit paid by the State or company sick pay may be available	Dependant on contractual position
<b>Italy</b>	At least 1m between persons	Permitted where carried out by company doctor/a person in charge of this task and privacy policy provided	Mandatory where 1m between persons cannot be respected	Yes	Yes	Yes. COVID-19 infection must be certificated by the competent doctor	Vacation leave/unpaid leave/special parental leave may apply
<b>Lithuania</b>	2m between job stations	Permitted if conducted by employees/contactless thermometers according to an established procedure	Face masks in all public places, subject to few exceptions	No	Yes (on a temporary basis)	Sick pay may be available	State Social Insurance Fund benefits may be available, subject to conditions
<b>Netherlands</b>	At least 1.5m between persons	Permitted, but must be performed in the least intrusive manner possible and indiscriminately	No mandatory requirements	If a fully integrated plan regarding working conditions, Works Council consent likely to be required	Yes	If the employee is actually sick, sick pay applies	In principle, but to be assessed case by case on the basis of reasonableness and fairness
<b>Qatar</b>	Requirement to adopt social distancing as a general principle	Private sector employers are required to temperature test	Yes	No	Yes, workplace number limits in place	Yes	Yes
<b>Poland</b>	At least 1.5m between workstations/PPE	Must be determined on case-by-case basis	Mandatory gloves/hand disinfectant fluids. Nose and mouth covering where direct contact with others	Yes, with employee representatives/trade unions on health and safety measures	Yes	Sick pay if cannot work remotely and medical professional determines sick leave / self-quarantine	Care leave/pay in the usual way
<b>Romania</b>	At least 1.5m between persons	Yes	Face masks are mandatory in the workplace. Other PPE depends on employees' job / risk exposure	Yes, consultation with the occupational health doctor and OHS provider/consultant	Yes, with consent. Flexible working may be imposed only by specific categories of employers	Yes, subject to conditions	Depends on employment contract and the employer's usual policy. Special leave may be available
<b>Russia</b>	At least 1.5m between persons	Yes (at least once every 4 hours)	Mandatory use of masks/respirators and gloves at workplaces, except where employee alone in a separate room	No	Remote work and flexible working by agreement	Sick leave may be available, subject to conditions	Arrangement by agreement. If the child is sick, leave may be available for a parent, subject to conditions
<b>Singapore</b>	At least 1m between workstations/common spaces plus staggered working hours	Required at food/beverage/retail establishments	Masks mandatory for employees at all workplaces with exceptions	Businesses applying for an exemption approval are required to make manpower submissions	Yes	Depends on employment contract/absence polices/statutory leave	Depends on employment contract/absence polices/statutory leave
<b>Slovakia</b>	Generally at least 2m between persons	Expressly permitted in specified sectors, may be permitted in others	No specific requirements, depends on the work characteristics	No, but recommended	Home working may be imposed. Flexible working subject to contract	Yes, unless sent on sick leave	No. May apply for a care benefit.
<b>South Africa</b>	1.5m between job stations/job stations divided by partitions	Yes	Masks plus additional PPE depending on the sector in which the employer operates/risk assessment	No, unless changes to terms and conditions of employment are proposed	Yes, if permitted under employment contract/a collective agreement. If not, subject to consultation	No, unless sick leave is taken. If no sick leave is taken, may be entitled to illness benefit from the State	Statutory paid family responsibility leave (3 days per annum) may be available where a child is sick
<b>Spain</b>	At least 2m between persons	Yes if the Health and Safety provider determines required	No as a general rule, but will depend on the workplace characteristics	Yes	Yes, if contractual right/required by the Health and Safety provider. Otherwise, by agreement	Sick pay may be available	Depends on employment contract/absence polices/statutory right to adjust employment conditions
<b>Sweden</b>	Not legally required but recommended. No specified distance	No	No specific requirements, depends on the work characteristics	Safety rep consultation on work-environment measures/ risk-assessments. Potential consultation obligation with trade union	Yes (on a temporary basis)	No if cannot work from home, but may be entitled to disease carrier allowance from the state	No, unless the child is ill, in which case temporary parental benefit from the state may be available
<b>Switzerland</b>	At least 2m between persons	Self-testing is permitted, subject to privacy/data protection rights being observed	No general requirement, except masks mandatory if the distance of 2m cannot be maintained	Yes. The employee representative body/employees should be consulted regarding the measures	Yes	Yes	Yes, for limited time
<b>Tunisia</b>	At least 1m between persons	Required	Masks mandatory when travelling to/from workplace and at work	No	Remote working (where possible) can be imposed in the service sector. For other sectors, 50% of workforce or shiftwork	Sick pay may be available if infected	No legal provision, but may use paid annual leave
<b>UAE</b>	At least 2m between persons	Required-employers must arrange screening points at the entrance to the workplace	Employees are required to wear face masks at work and employers must provide sanitisers	No	Yes (based on mandatory capped employee numbers)	No express provisions	No
<b>UK</b>	At least 2m between persons	Currently no mandatory temperature checking/health screening, but permitted provided no data collected	Use of face-coverings encouraged in enclosed spaces where social distancing is not possible	Government recommends. May be required depending on any applicable recognition agreements	Yes, if contractual right. Otherwise, by agreement	Sick pay may be available	Depends on employment contract/absence polices/statutory leave
<b>USA</b>	At least 6ft/2m between persons	Permitted, subject to duty to maintain confidentiality of information	Depends on employees' job / risk exposure. Face coverings a requirement in some locations	No	Yes	Usual sick pay rules apply. Employers should be aware of state and local leave laws regarding COVID-19	Limited based on employer size (e.g. <500 employees) under Families First Coronavirus Response Act / under any state and local requirements
<b>Zimbabwe</b>	At least 1m between persons	Permitted. COVID-19 testing is a mandatory pre-requisite for re-opening of any business	Mandatory wearing of face masks at the workplace and other necessary PPE	No	Yes	No, unless granted special leave or sick leave	No, unless granted special leave

Please see further information contained in our latest COVID-19 briefings on our COVID-19 [Hub](#) and further information contained in our [Employer Guide](#), [Global Return to Work Briefing](#), [Global employment update](#) and our [Podcast Series](#)

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