

PETERKA PARTNERS

THE CEE LAW FIRM

Practical Summary
Frequent Covid-19 issues
faced by employers
in the Czech Republic, Slovakia and Romania

Based on the situation as of March 16, 2020

Issue	Czech Republic	Slovakia	Romania
<p>Most important restrictions currently applied by state (as of March 16, 2020)</p>	<ul style="list-style-type: none"> • Proclamation of a state of emergency by the Czech Government from March 12, 2020 2 p.m. for a period of 30 days • Prohibition of the free movement of persons on the territory of the whole Czech Republic from March 16, 2020 6 a.m. till March 24, 2020 6 a.m., with exceptions, including travel to work and back home • Prohibition of retail sale in shops, sale of services in establishments from March 15, 2020 6 a.m. till March 24, 2020 6 a.m., with exceptions, including sale of food, hygienic products and medicaments • Prohibition of various public and private events, such as spectacles, sport events, markets, exhibitions and many others, prohibition of all gatherings of more than 30 persons inside as well as outside, with certain exceptions • Prohibition of the presence of the public in restaurants and other establishments, such as fitness centres, etc., with exceptions, including cafeterias for employees • Strict travel restrictions to/from the Czech Republic, including the total closure of 	<ul style="list-style-type: none"> • Proclamation of an extraordinary situation and state of emergency (in the area of health providers) by the Slovak Government from March 16, 2020 6 a.m. for a period of 14 days • Prohibition of retail sale in shops, sale of services in establishments from March 16, 2020 6 a.m. for a period of 14 days, with exceptions, including the sale of food, hygienic products and medicaments • Prohibition of various public and private events, such as spectacles, sport events, markets, exhibitions and many others • Prohibition of the presence of the public in restaurants (food delivery may remain operational) and other establishments • Strict travel restrictions to/from the Slovakia, including the total closure of borders and relaunch of border checks • Temporary closing down of schools and universities • Cancellation of air traffic • Mandatory quarantine of persons arriving/returning from abroad (14 days). 	<ul style="list-style-type: none"> • Announcement of a national state of emergency by the President of Romania starting on March 16, 2020 for a 30-day period. Following such state of emergency, certain rights may be (gradually) restricted. • The latest restrictions adopted by the National Committee for Special Emergency Situations (CNSSU) include: • Quarantine/self-isolation (e.g., all persons coming to Romania from countries where there are at least 500 confirmed cases of coronavirus infection will be placed under self-isolation at home; people coming to Romania from countries or areas that are under quarantine will go into institutionalized quarantine for 14 days). • Prohibition of all cultural, scientific, artistic, religious, sporting and entertainment events with more than 50 participants, organized in closed spaces. • Temporary closing down of schools and universities. • Travel restrictions on the routes Romania-Italy. • Recommendation of the CNSSU for private employers in Bucharest and in main

	<p>borders and relaunch of border checks with Germany and Austria, with exceptions, including haulage</p> <ul style="list-style-type: none"> • Temporary closing down of schools and universities • Gradual cancellation of air traffic • Mandatory information duty and quarantine of persons arriving/returning from risky countries specified by the Ministry of Health (currently 15 countries) • Prohibition of the export of certain medical devices, such as biocidal products • Prohibition of the sale of personal protective equipment, pursuant to Regulation (EU) 2016/425 of the European Parliament and of the Council, class FFP3 to all persons other than those specified by the measure • Spreading coronavirus is a crime • Others <p><i>The situation is evolving very rapidly, as are the extraordinary measures being taken by the Czech Government and Administrations. Constantly checking the current state of affairs and updates is necessary.</i></p>	<ul style="list-style-type: none"> • Spreading coronavirus is a crime <p><i>The situation is evolving very rapidly, as are the extraordinary measures being taken by the Slovak Government and Administrations. Constantly checking the current state of affairs and updates is necessary.</i></p>	<p>municipalities to adjust the schedule of their employees who are using public transportation so that overcrowded periods are avoided (for public entities, such adjustment is mandatory)</p> <p><i>The situation is evolving very rapidly, as are the measures being taken by the Romanian authorities under the current state of emergency. Constantly checking the current state of affairs and updates is necessary.</i></p>
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<p>Health & Safety (including disease prevention)</p>	<p>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</p> <ul style="list-style-type: none"> - 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 hygienic standard at the workplace - using teleconferences - limiting contact among people - equipping employees with protective means - having actions plans, etc. <p>The Czech government recommends explicitly that employers:</p> <ul style="list-style-type: none"> - use to the maximum extent distant work if employees can work from home - encourage paid holidays and other paid leaves - limit work not substantial for the operations of the employer 	<p>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</p> <ul style="list-style-type: none"> - 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 actions plans, etc. <p>The Slovak government recommends that employers:</p> <ul style="list-style-type: none"> - use to the maximum extent distant work if employees can work from home - encourage paid holidays and other paid leaves - limit works not substantial for the operations of the employer 	<p>Certain specific measures should be taken by employers for disease prevention:</p> <ul style="list-style-type: none"> - conducting an analysis in order to prioritize essential/relevant services from non-essential ones, while respecting the rights to safety and health at work of the employees; - ensuring the safety and health of employees in all aspects related to work and adopting necessary measures for: (i) ensuring the safety and protection of the employees' health; (ii) prevention of professional risks; (iii) information and training of employees; (iv) providing protective equipment (masks, protective gloves, etc.); - determining the nature and level of risk for any activity that may present a risk of exposure to COVID-19 and establishing preventive measures (e.g., limitation of exposure/direct contact; elaboration of a plan of measures drawn-up based on the recommendations of a competent occupational doctor with whom the employer has contractual relationships; the immediate announcement of the competent Public Health Department).
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<p>Mandatory quarantine of employees</p>	<p>Quarantine is ordered by the hygiene inspectorate or a physician (not the employer).</p> <p>An employee is obliged to notify his/her employer of his/her absence and is entitled to receive salary compensation of 60% of adjusted average earnings, in the first 14 days, from the employer.</p> <p>Subsequently, sick leave allowance is paid by Social Security.</p> <p>Violation of the quarantine is strictly sanctioned (including a financial penalty up to 3M CZK).</p>	<p>Quarantine is ordered by the hygiene inspectorate or a physician (not the employer).</p> <p>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.</p> <p>Subsequently, sick leave allowance is paid by Social Security (from the eleventh day).</p> <p>Violation of the quarantine is strictly sanctioned (including a financial penalty of up to 1,659 EUR).</p>	<p>Mandatory (institutionalized) quarantine is established for people who do not have symptoms, but return from areas with extended community transmission ("Red Zone") for a period of 14 days, in special designated spaces made available by the local authorities.</p> <p>Quarantine is legal suspension of the individual employment contract (employees do not work and, consequently, do not receive a salary).</p> <p>Employees in quarantine benefit from medical leave, medical certificates being issued based on certificates issued by specialized bodies of public health departments.</p> <p>Employees are entitled to an allowance in the amount of 75% of the average monthly gross income for the last 6 months, up to 12 gross minimum wages per month, fully-supported by the budget of the single national health insurance fund.</p>
<p>Preventive quarantine (isolation) of employees</p> <p>Instruments if the employer does not wish them at work and the conduct recommended by the respective Governments</p>	<p>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 immediately. During paid leave, the employee is entitled to get 100% of his/her average earnings.</p> <p>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</p>	<p>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 immediately. During paid leave, the employee is entitled to get 100% of his/her average earnings.</p> <p>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</p>	<p>Self-isolation at home is established for a period of 14 days, for people who (i) travelled in the last 14 days in regions/localities in the areas affected by COVID-19, other than those with extended community transmission ("Yellow Zone"), (ii) came into direct contact with people with symptoms and who travelled in a Red Zone; (iii) have come into direct contact with persons confirmed as having been infected with COVID-19; (iv) they are family members of persons mentioned in paragraphs (i)-(iii) above.</p>

	<p>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.</p> <p>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 2 weeks in advance at the latest (1 week in case of account of working hours), unless there is another agreement with the employee.</p> <p>An order to take compensatory leave for overtime work can be made if agreed upon instead of overtime compensation/work during bank holidays performed within the last three months and not yet compensated by overtime compensation.</p> <p>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.</p> <p>If no such measure is possible or agreed upon, the employee will have “obstacles”, in most cases with 100% compensation. See below.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>If no such measure is possible or agreed upon, the employee will have “obstacles”, in most cases with 100% compensation. See below.</p>	<p>Self-isolation at home represents also a form of quarantine under the scope of Order 414/2020 on the establishment of the quarantine measures for people in the emergency situation of international public health determined by the COVID-19 infection and on measures for preventing and limiting the effects of the epidemic. Self-isolation is a case of legal suspension of the individual employment contract and the employees benefit from medical leave under the same terms/conditions as in case of institutionalized quarantine.</p> <p>Employers may agree with their employees that they should perform their work at home insofar as the specific activity of the employer allows such a working regime and provided that an additional clause is concluded to his individual employment contract, which will provide for this possibility and its duration. The same would apply for teleworking.</p> <p>Teleworking is the form of organizing the work by which the employee, on a regular and voluntary basis, performs the duties specific to the job, profession or occupation he/she has, in another place than the employer’s place of work, at least one day per month, using information and communication technology.</p> <p>During this period of a state of emergency, private/public companies are required to implement, where possible, home-office or teleworking, by unilateral decision of the employer.</p>
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<p>Employee refusing to work</p>	<p>An employee can only refuse to work if there is a reasonable concern that the performance of work might threaten an 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).</p> <p>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.</p>	<p>An employee can only refuse to work if there is a reasonable concern that the performance of work might threaten an 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).</p> <p>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.</p>	<p>Refusal of work may give the employer the right to suspend the employment agreement unilaterally or terminate the employment for reasons related to the employee.</p> <p>If the reason is legitimate (i.e., the employee is vulnerable) and there are opportunities for the employee to work at home, for instance, this solution may be chosen.</p> <p>In principle, each case of refusal should be assessed separately, taking into account its particularities.</p>
<p>Care leave (schools closed)</p>	<p>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).</p> <p>The employee shall inform the employer thereof.</p> <p>The employees are paid through Social Security during the care leave as in the case of sick leave or quarantine.</p> <p>Care leave compensation is paid over 9 days (16 days in the case of a single parent). After 9/16 days, they are no longer entitled to receive care leave compensation, but they still can stay at home (obstacle on the side of the employee).</p>	<p>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).</p> <p>The employee shall inform the employer thereof.</p> <p>The employees are paid through Social Security during the care leave as in the case of sick leave or quarantine.</p> <p>Care leave compensation is paid for a period of 10 days (the Slovak government has promised to pay the compensation for 14 days as an extraordinary measure). After 10/14 days, a parent is no longer entitled to receive care leave compensation, but he/she can still stay at home (obstacle on the side of the employee).</p>	<p>Based on recent new law, parents are given paid days off for the supervision of their children in the case of temporary closure of educational facilities due to adverse weather conditions or other extreme situations officially instituted by the authorities (e.g., the Covid-19 epidemic).</p> <p>One parent has the right to stay at home with the child if (i) the child is up to 12 years old, enrolled in a school (or, in the case of a child with disabilities, if he/she is up to 18 years of age and is registered in a school) when schools are closed due to adverse weather conditions or other extreme situations so decreed by the competent authorities with responsibilities in the field and (ii) the work cannot be performed from home or by using teleworking.</p> <p>The allowance for each day off shall amount to 75% of the salary corresponding to a working day and is capped to a certain threshold.</p>

<p>Limitation of production, temporary closure of employer/its part</p>	<p>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.</p> <p>In case of obstacles on the employer's side causing that the employee cannot work, the employee is entitled to receive compensation of salary, unless transferred to other work:</p> <p>Minimum 80% of average earnings, if the obstacle consists in a temporary breakdown of machinery or equipment which not caused by the employer, in a problem with the supply of raw materials or power (energy) or some other operational causes (unless an employee is transferred to other work).</p> <p>100% of average earnings in case of other obstacles (this is according to the Ministry of Labour and Social Affairs, the case if the establishment was closed due to the recent governmental measure).</p> <p>Minimum 60% of average earnings in case of partial unemployment: if the employer is not able to assign work to its employees to the extent corresponding to the weekly amount of hours because of the temporary reduction of demand in the employer's products or services and if there is an agreement with the trade unions about the amount of salary compensation, the employee is to receive such salary compensation whose amount cannot be lower than 60% of average earnings. In case of no presence of trade unions, the agreement</p>	<p>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.</p> <p>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.</p> <p>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.</p>	<p>Depending on the particular context, employers can unilaterally decide to temporarily reduce/close their activities, thus suspending their employment relationships with employees. The employer is obliged to pay the employees an allowance of at least 75% of their basic salary.</p> <p>The employment relationships may be suspended by law based on a force majeure event (which is defined as an external, unpredictable, absolutely invincible and inevitable event). During such a suspension, the employees would not be entitled to the payment of a salary, nor to any other type of compensation. Such force majeure may be the occurrence of epidemics.</p>
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	<p>can be replaced by the issuance of internal rules.</p> <p>Minimum 60% of average earnings, if the obstacle consists in a work disruption caused by adverse climatic conditions or a natural disaster (the pandemic is not considered as a natural disaster thus far, a legislative change will be necessary in this respect).</p>		
Other issues	Employers shall proceed sensitively and without discrimination.	Employers shall proceed sensitively and without discrimination.	Employers shall proceed sensitively and without discrimination.
Sources of information	<p>Websites of the Czech Government and other Ministries</p> <p>Phone lines of National Centre for Health, Health Insurance Companies, Hygienic stations and 1112</p> <p>PETERKA & PARTNERS: Website, webinar, LinkedIn COVID-19 Help Desk at covidhelpdesk@peterkapartners.com your standard contact persons and Ms. Adela Krbcova at: krbcova@peterkapartners.cz</p>	<p>Websites of the Slovak Government and other Ministries</p> <p>Phone lines: 0800 221 234 – National Centre for Health Information 0917 222 682 – Office for Public Health</p> <p>PETERKA & PARTNERS: Website, webinar, LinkedIn COVID-19 Help Desk at covidhelpdesk@peterkapartners.com your standard contact persons and and Mr. Pavol Kundrik at: kundrik@peterkapartners.sk</p>	<p>The applicable legislation in force Websites of official authorities in Romania</p> <p>PETERKA & PARTNERS: Website, LinkedIn COVID-19 Help Desk at covidhelpdesk@peterkapartners.com your standard contact persons and Ms. Alina Radu at: a.radu@peterkapartners.ro</p>

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The document reflects the status as of March 16, 2020.*