



Coronavirus – Top tips for Employers

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Safety and hygiene

Before anyone is sick:

- Educate your staff about the current situation and any government guidance.
- Do a risk assessment to ensure working practices do not create undue risks.
- Implement recommendations issued by the Ministry of Health on hygiene, such as encouraging everyone to wash their hands regularly and ensuring there are clean places to wash hands with soap and water. Place hand-sanitizers and tissues in common parts of the office.
- Follow government guidance and update workplace policies accordingly.
- Make sure contact numbers and emergency contacts are up to date.
- Make sure managers and staff are clear on workplace policies, including for sickness and absence.
- Make clear that you don't expect employees to come to work if they are unwell.
- If there is an identified incident of a sick employee, the employer would wish to keep that employee away from the workplace until the risk has passed. The company's normal sick leave policy would apply and the employer should require the employee to stay at home. Issues may rise in the event that an employee insists on coming to work.
- The employer could inform employees that there has been a confirmed coronavirus case within its workforce however it would not be appropriate to provide any details from which the individual might be identified.

If someone becomes sick:

- Inform your employees about the symptoms of the coronavirus and any preventative measures. This information is available from the Ministry of Health.
- Consider offering flexible working, including homeworking to allow employees who do not want to come to work due out of concern for their health. Suggest that they can take time off as paid or unpaid leave.



Testing

You have a duty to protect the health, safety and welfare of all your employees, including those particularly at risk. You may process medical data where necessary to comply with your legal obligations. Therefore, if you do process such data, make sure you are able to justify this on a legal ground of processing. You should also be careful not to discriminate against any employees by targeting any particular category of employee.

Remind employees that they have a duty to take reasonable care of their own health and safety and not endanger themselves or people they work with. Remind them also that failure to comply with these duties could result to disciplinary action.

You are not entitled to force an employee to be tested for coronavirus. The employee's prior consent is required. If you suspect someone is infected, you may request a doctor's certificate before they return to work following sick leave.

School closure, homeworking, quarantine and closing the workplace

If case the government orders general school closure, you might want to consider homeworking as an alternative measure, so as to contain the spread of the virus and make it easier for your employers to continue working. You might want to check your employees have the correct equipment at home to enable them to work there if need be.

If one of your employees has been placed in quarantine or self-quarantine (even as a precaution) you should ask them not to return to work until the incubation period is over and all symptoms are gone.

You should plan for possible closure of the workplace for a brief period and consider whether staff have the means to work from home and communicate with others from home.

Pay

There is no statutory obligation on you to pay sick leave and this is something that is agreed in the employment contract. Employees on sick leave are entitled to apply for statutory sick pay benefit (SSB) from the Social Insurance Department, provided they meet the statutory conditions. No SSB is payable for the first three consecutive days of absence.

Employees who are in quarantine under the direction of the Ministry of Health, (either as a confirmed coronavirus case or as a precautionary measure) and hold a certificate issued by the Ministry of Health, are entitled to apply for SSB for this period.



Travel

We highly recommend you cancel all business trips to infected areas or high-risk countries. You might think about how best to use alternative means to communicate, such as videoconferencing.

Discrimination

If travelling to China is forbidden, there could conceivably be claims of indirect discrimination against staff of Chinese origin, although they will be unlikely to succeed if a high level of risk is identified and your actions were legitimate, reasonable and proportionate, based on instructions by public authorities.

In general, you should be aware of the risk of direct and indirect race discrimination claims. Employers could be liable if their employees racially harass other employees, even if the employer does not know and would not approve of such behavior. Careful training of all staff is advised.

Reporting to the authorities (when and what to report)

If someone in the workplace is infected, or thought to be infected, you should contact 1420 for the Ambulance Service, which operates under the Ministry of Health. They will give you instructions on what steps to take. You should avoid communicating any sensitive personal data about the individual and also encourage the employee concerned to report their own case.

Advice from government/authorities

Various governmental authorities and employers' organizations have issued guidelines, which can be found on their websites. The main ones are:

- Ministry of Health
- Ministry of Education
- Federation of Employers & Manufacturers (OEB)

Any other points you wish to make

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