

**HAVE YOU MISSED OUR HANDBOOK FOR EMPLOYERS WITH RESPECT TO THE CORONAVIRUS SITUATION? NO PROBLEM, YOU CAN FIND IT HERE:**



Covid\_Handbook for employers.pdf

## **FREQUENTLY ASKED QUESTIONS<sup>1</sup>** **the labor law of coronavirus – 13 March 2020**

### **RIGHTS AND OBLIGATIONS OF EMPLOYEES**

#### **1. SHOULD I REPORT IF I KNOW ABOUT A HEALTH RISK?**

Yes, employees are generally required to inform the employer if they are aware of any health or other risks that may affect the workplace, the employees or third parties in the course of their work, including the risk of their own potentially infectious disease.<sup>2</sup>

#### **2. CAN I REPORT IF MY COLLEAGUE CAME FROM A HIGH RISK AREA AND HAS NOT REPORTED IT?**

Yes, based on the above, the employee is required to report that he is aware that a colleague came home from a high risk area and has not reported it.

### **HOME OFFICE**

#### **3. MAY THE EMPLOYER ORDER HOME OFFICE FOR THE EMPLOYEES?**

Yes, provided that the terms and conditions of working from home are ensured. Note that it is the employers' responsibility to ensure the conditions of healthy and safe working.

The employer is entitled to do so even in the absence of a home office policy, because under Hungarian labor law the employee may unilaterally be obliged to work from another place for 44 working days per year.

#### **4. WHAT CAN EMPLOYERS DO IF AN EMPLOYEE DOES NOT WANT TO ATTEND AT THE WORKPLACE AND IS ONLY WILLING TO WORK FROM HOME OFFICE?**

Until an official quarantine is not ordered due to the virus, the employer operates business as usual. If the home office is not approved by the employer, the employee's absence from work is not justified.

With respect to that, employees have to go to the workplace and fulfill their obligation to work, unless they can justify another circumstance (e.g.: taking care of a sick child at home, etc.), which justifies the absence.

However, we are of the opinion that employers should consider allowing employees with special circumstances (e.g.: pregnant employees, employees living in the same household with elderly parents) to work from home or, ultimately, to apply for unpaid leave upon their request. As an employer, do not ask employees for information in connection with their health data!

<sup>1</sup> The content contained in this material does not constitute legal advice and is provided only for general information purposes.

<sup>2</sup> NAIH/2020/2586 Information on data management relating to coronavirus.

For example, they should not be asked whether they are pregnant. Instead, it is suggested that a list is being prepared with 10 to 15 circumstances / conditions and if the employee states that he fits at least one of them, the employer would consent that the given employee works from home on his own initiative or to stay on an unpaid leave.

#### **5. SHOULD WORKING TIME BE RECORDED IN HOME OFFICE?**

Yes. Even if being at home office, employees have to work during the working time and keep records of the same.

Of course, in such a case the regular attendance sheet cannot be kept by, but even if there is no central record of the working time, it must be ensured that the working time can be properly managed (e.g.: in excel format).

The obligation to keep records is on the employer, i.e. the appropriate framework, interfaces and the forms used for this purpose shall be developed and made available to the employees.

#### **6. WHO SHOULD BEAR THE EXTRA COSTS?**

According to the general rule, employers are required to reimburse any expenses that the employees have reasonably incurred in the performance of their labour obligations.

For example, should the employer not provide or limit previous commuting e.g. bus services to the workplace since the factory only works at limited capacity, and so every employee is obliged to arrange for his travel individually, the employer must bear such additional costs. However, these costs must be justified.

#### **7. WORKING ACCIDENT AT HOME OFFICE?**

If an accident takes place at home office during regular working hours where the employee actually performs his work, e.g.: the desk and its immediate surroundings, and the accident occurred in connection with the work, it is deemed as working accident.

On the other hand, an accident in the kitchen is not considered as working accident.

### **VACATION**

#### **8. CAN EMPLOYERS SEND EMPLOYEES ON HOLIDAY WITH IMMEDIATE EFFECT?**

No, as employees must be notified of the scheduled date of their vacation 15 days prior to the first day thereof.

However, with the consent of the employee, it is possible to derogate from the general rule.

#### **9. WHAT TO DO IF AN EMPLOYEE IS APPLYING FOR UNPAID LEAVE?**

Generally, employee must give 15 days' prior notice and request the consent of the employer.

In view of the unfortunate circumstances that have arisen, the employer may agree otherwise.

In such case, it is recommended making a short agreement on the unpaid leave requested by the employee and the consent of the employer, which should include the length of the unpaid leave as well.

### **DOWNTIME**

#### **10. HOW CAN EMPLOYERS ORDER DOWNTIME?**

In writing, according to the general rules.

A brief notice is sufficient, indicating the date from which the employer orders the downtime.



It is also recommended informing employees that they will receive base salary and will remain holding social security insurance.

## **11. WHAT CAN EMPLOYERS DO IF THE FACTORY SHUTS DOWN (BECAUSE OF LACK OF RAW MATERIALS)?**

In this case the employer would be unable to fulfill his employment obligation (to provide work to employees), and hence the employee is obliged to stay at home, if instructed to do so by the employer. If there are circumstances which are still within the employer's sphere of activity (e.g. supply chain disruption), the employees are entitled to their base salary for the period concerned.

It is important that reasons on the side of the employer (e.g. supply chain disruption) are not considered as unavoidable external cause, being vis maior.

Employees being on downtime are also obliged to be available and be fit for work.

## **QUARANTINE**

### **5. WHAT ARE THE EFFECTS OF A QUARANTINE?**

First and foremost, this means that an official decision was made by the government on the setting up of a quarantine (e.g. closure of an area) which may result in employees being unable to go to work.

In such cases, employees are considered incapable for work and they are entitled to receive sick-leave compensation from the social security system. Or, if the employee has not been on paid sick leave, the employee is entitled for fifteen days paid sick leave from the employer.

As an employer, you have to consider whether it is possible to function with a reduced number of employees and capacity, e.g. if the quarantine does not affect the workplace either because of its location or its activities.

It is important to review the work schedule and if possible or necessary, consider adjusting that.

The employers may amend the pre-set work schedule also upon the employees' written request.

### **6. IS IT ALLOWED TO CARRY OUT INSPECTIONS ON THE EMPLOYEES USING A THERMOMETER?**

No, because an employer does not have the skills, expertise or equipment necessary to do so without high probability of drawing biased conclusions. Such procedure must be carried out by licensed medical professionals with the involvement of the authority, if necessary.

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Should you have any questions or need further information, please feel free to contact us.

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