



# Handbook for employers with respect to the coronavirus situation

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KPMG Legal Tóásó Law Firm

# THE IMPACT OF CORONAVIRUS ON EMPLOYMENT



The unfortunate spread of this new type of CORONAVIRUS affects many aspects of our daily lives, including our work. Employees' health is of paramount importance, therefore, as an employer, it is advisable to consider a number of questions.

This is also the employers' economic interest, as it is crucial for the continuity of business to ensure for employees to be able to perform their tasks.

Many of our clients have contacted us to understand what preventive measures may be taken in this situation, and what options are available to employers.

# PRACTICAL TIPS (1/2):

## AS AN EMPLOYER THE FOLLOWING ISSUES ARE WORTH TO BE CONSIDERED:

- which positions enable the employee to work from home;
- which tasks / duties may be performed from home and which may not;
- preparing a specific action plan for the employees, whose work may not be performed from home (who are in the same position; organizing shifts; who lives in a working accommodation and who lives at home; can they be temporarily accommodated in a protected, nearby location);
- whether employees, who work from home, have been adequately trained from technical, labor law and psychological perspectives;
- check whether the technical conditions are provided for home office and if not, arrange for them (e.g.: mobile phones, laptops);
- if it is possible from the employers' operations and the employees' position, it may be advisable to arrange for a „home office test day” and request every employee to work from home for at least one day, to prepare for a situation where employees shall actually have to work from home.

# PRACTICAL TIPS (2/2):

## FURTHER TOPICS:

- republishing the phone number of the occupational physician (e-mail, notice board etc.), placing information materials;
- information on occupational health regulations, increased awareness;
- reviewing the annual leave plan and consulting with the employees to "bring forward" leave / vacation;
- reorganizing client meetings, supporting skype meetings and calls instead of face to face meetings;
- setting up a notification chain, providing the phone number and contact information of supervisors / direct supervisor in case someone feels sick.

# 1. The fundamental rights and obligations of the employer and the employee

One of the most important obligation of the employer is to **ensure healthy and safe working conditions.**

It is important to note that, in addition to the above obligation, both employers and employees shall comply with the obligation of cooperation and to provide information. In a situation like the present one, there are a number of possibilities for the employer to comply with them, such as providing continuous and extensive information (e.g. stickers on hand washing), placing disinfectant, ordering home office and vacation.



## 2. Labor law aspects of vis maior



Nowadays, the new type of coronavirus is often mentioned as a vis maior situation. Vis maior is an inevitable external cause, and includes circumstances and events beyond the control of the employer and the employee, regardless of their will, for example war, natural disaster or epidemic are qualified as force majeure situations.

In accordance with the applicable law, employees are entitled to a **base salary during the downtime, i.e. when the employer is unable to provide adequate work to employees during the working hours**, except in cases of force majeure. Therefore, should an employer stop production in a factory because of a supply squeeze, this is still considered to be an operational risk, in which case the employee is entitled to a base salary. An unavoidable external cause may be a possible **epidemiological (authority) quarantine, since the employer has no influence on this situation, and in this case employees are not entitled to base salary.**

# 3. Home office

Many employers have already canceled business trips abroad and ordered work from home to ensure healthy and safe working conditions. In addition, **an employer has the right to oblige employees to work from home when they return from a country that is qualified as unsafe with regard to the coronavirus. This measure is considered as an employer's instruction, and the breach of such instruction by the employee may result in disciplinary actions, even including the termination of the employment by the employer.**

When working from home, employees are required to be available during working hours and to perform all tasks that can be performed from home. Should employees fail to do so, this may also result in labor law consequences.

If employers are unable to order work from home, for example in manufacturing factories, employers shall prepare working time schedules and employ employees until the shut down of production (whether for internal or external reasons).



# 4. Vacation

It is the employer's obligation to allocate vacation to employees, except for seven working days annually, which shall be granted by the employer at the time requested by the employee.

It is important to note that employees **shall be informed about the scheduled date of their vacation time no later than 15 days before the first day of the holidays.**



**In this context, employers should not legally send employees on vacation from one day to the next without their consent.**



# 5. Employees' obligation to provide information, private travels

As mentioned above, employees are bound by obligation to provide information towards their employer, which is particularly important during epidemics. Therefore, **the employer may order employees to declare where they have travelled recently or whether they have contacted anyone who has been in high risk areas, etc.** In such cases, employees shall make a statement about these circumstances and the refusal thereof, or making a false statement may also result in labor law consequences.

**Employee's obligation to provide information is covering private travels as well, so should employees intend to travel to high-risk areas, employers must be informed about these private travels.** In this case, the employees may make the final decision on the travel, however, after returning home employers may request employees not to go to work for a specified period (e.g. 14 days).



# 6. Rules regarding the isolation on public health grounds

**In the event of an epidemiological health emergency or isolation on public health grounds by order of the relevant authority, employees are considered to be incapable of working, and as a result, all affected employees shall be entitled to sick pay.**

It shall be emphasized that in such cases employers do not have any alternative, only an obligation to inform employees about the current situation.

We are have prepared a Q&A list, in which we will try to provide additional practical information.



# Should you have any questions feel free to contact us.

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