

## Coronavirus disease (COVID-19) UPDATE

as per 13.03.2020

On 11 March 2020, WHO has been declaring the COVID-19 outbreak as a pandemic. Today 13 March 2020, the Swiss Federal Council imposed new restrictions to slow down the spread of the virus in Switzerland.

### New Restrictions in Switzerland as per 13 March 2020

The new restrictions imposed come into immediate effect and will apply at least until 4 April 2020:

- **Compulsory schools, universities and other educational establishments are closed:**
  - it is in the authority of the cantons to decide whether childcare facilities will be provided
  - the restrictions do not apply to nurseries so far (as per 13.03.2020)
- **Ban of public and private gatherings of more than 100 persons;** office premises are exempt
- Restaurants, Bars and Clubs are limited to 50 persons (incl. staff)
- The Federal Council granted CHF 10 bn immediate financial aid for the economy
- Grace period for short-time work will be reduced to one day with immediate effect
- Border controls may be tightened with a suspension of the Schengen Agreement on a case-by-case basis

The virus can pose a risk to people over the age of 65 and to people with pre-existing medical conditions. They must be given special protection.

### General recommendations for employers:

- Employers should activate their **Business Continuity Management (BCM)** systems now.  
See also manual for a pandemic plan of the State Secretariat for Economic Affairs SECO: [DE FR IT](#).
- **Social distancing:** If possible, employees should be able to keep their distance from each other, e.g. by working in a different room or part of the room, by working from home, by office-splitting, etc.
- Employers should allow their employees to work as **flexibly as possible** so that they can avoid travelling at peak times.
- Employers should be accommodating with regard to **medical certificates**, and not require a certificate until an employee has been absent for at least **5 days**. This will relieve the pressure on doctors and the health system.

**Info:** [EN DE FR IT](#), Information and documentation (Flyer, Poster, Brochures, etc.) available at the official FOPH webpage: [LINK](#)

## Self-isolation and self-quarantine:

Not everyone carrying the coronavirus necessarily displays symptoms of the illness or feels ill. In order to stop the unhindered spread of the virus, the FOPH calls to act responsibly through self-isolation and self-quarantine.

- **Self-isolation:** people with symptoms such as a cough and/or a high temperature are recommended to stay at home and avoid contact with other people as far as possible. People should stay at home for a further 24 hours after the symptoms subside to be on the safe side.
- **Self-quarantine:** people having had close contact with someone who has been confirmed as having the new coronavirus should stay at home for 5 days after the date on which the diagnosis was confirmed and to avoid any contact with other people during that time.

Info: [EN](#) [DE](#) [FR](#) [IT](#)

## Legal Requirements and their Impact

The employer has a duty of care for the employees. Appropriate occupational health and safety measures must be taken. Disinfectants should be provided and technical possibilities such as an alternative to physical meetings (e.g. video conferences) as well as home office procedures should be made use of.

### Schools and Kindergartens are closed

In such a case, employees have a right to stay at home if there is no other possibility to take care for their children. However, parents should look for alternative childcare, normally within a **period of three days**. At least during this time, there is an entitlement to continued remuneration.

### Remuneration duties in case of quarantine / self-quarantine

- Employee is infected/ill and stays at home: the employer is obligated to continue to pay remuneration (daily sickness benefit insurance)
- Quarantine ordered by the employer (without symptoms): the employer is obligated to continue to pay remuneration (in general not covered by daily sickness benefit insurance)
- (Self-) quarantine ordered by the employee itself: In case the employee is not ill and does not have symptoms, this is a breach of duty and may lead to sanctions by the employer. No obligation to continue to pay remuneration.
- Amicable agreements between employer and employee on temporary reduction of work time are admissible under Swiss law. Short-time work is admissible and compensated by social security if needed for economic reasons. A ten-day deadline of advice applies.

### What if authorities put certain employees under quarantine?

The ordering of a quarantine is an official measure that includes a ban on employment. In this case, individually banned employees have a claim to continued remuneration irrespective of whether or not it afterwards turns out that the employee was not infected with Covid-19.

### Can the employer deny employees access to the business premises?

Employees have the right to employment and thus be allowed access to the business premises. However, exceptions can be made for employees who have recently travelled to areas in which Covid-19 is already massively spread in order to protect the remaining employees. If possible, employers can make use of home office procedures in this time.

It may also be admissible to close an entire office site for a limited time if this is necessary to protect the employees (e.g. if infected persons have been present in the premises).

## **Public transport does not operate and employees cannot commute to work**

Generally, the entitlement to remuneration only exists if the employee performs his work. Travel to and from the place of work is the sole responsibility of the employee. Even a national-wide cancellation of public transport shall be treated as a force majeure event and therefore relieve the employer from the obligation to continue to pay remuneration.

## **Extra hours due the virus spread**

Further spread of the coronavirus can be a legitimisation for obliging the employees to work more hours as contractually agreed. I.e. if many employees are already sick at home because of the epidemic, it is justified that the healthy employees work overtime.

## **How to best mitigate economic consequences?**

- Employees should be asked to **reduce overtime hours** and/or **holiday time**
- Short-time work can be introduced in the event of supply shortages
- An introduction of short-time work requires employees' prior consent as well as a respective approval of the cantonal labour authorities
- Forced holidays must be announced at least three months in advance, according to the law

## **Additional Information:**

- Federal Office of Public Health FOPH, Information coronavirus: [EN DE FR IT](#)
- State Secretariat for Economic Affairs SECO, Pandemic and Business: [DE FR IT](#)
- Information for travellers (safetravel.ch): [LINK](#)
- World Health Organisation WHO, Advice for Workplaces/Employers: [LINK](#) (as of 03.02.2020)
- WHO FAQ on Coronavirus: [LINK](#)
- WHO Situation reports: [LINK](#) (as of 11.03.2020)
- WHO Advice for International Traffic: [LINK](#) (as of 11.03.2020)
- FOPH Infoline Coronavirus: +41 58 463 00 00 (24h/7days)