



SUMMARY OF THE PANDEMIC IMPACT ON WORKPLACES IN CEE

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JANUARY 2021

Pandemic is not slowing down. It continues to disrupt the work of thousands of businesses and their employees. We decided to take a look at whether the pandemic has affected employers in the same way across the CEE.

We present a comparative analysis of employers' rights and obligations in this challenging time in three major areas: employees vaccination, remote work, and restrictions related to OSH.

In this publication, we start with going in-depth in employees vaccination approach analysis.

Employees vaccination

The topic of vaccination is controversial because of the significant intrusion into employee privacy. How do employers in different countries in the CEE deal with this topic? Does the law allow to force/encourage an employee to get vaccinated?

Let's see.



COUNTRY	LEGAL OBLIGATIONS
CZECH REPUBLIC	<ul style="list-style-type: none">Currently, the employer cannot force employees to be vaccinated.Vaccination is voluntary by law.The employer cannot use any form of pressure or sanctions, such as termination of employment, on non-vaccinated employees.Employers may only use verbal incentives or information campaigns on vaccination to motivate employees to get vaccinated.Currently, other forms of employees' motivation, e.g. financial rewards or extra day off are not recommended, as they may constitute grounds for a claim for violation of the principle of equal treatment of employees. For the time being, any differences in treatment between vaccinated and non-vaccinated employees may be questioned as not justified by law.
HUNGARY	<ul style="list-style-type: none">There are no legal regulations in force regarding this matter yet, it is not an obligation to get vaccinated.Currently no legal basis exists for the employer to force its employees to get vaccinated or to bind it to different advantages.
POLAND	<ul style="list-style-type: none">Currently, the employer cannot force employees to be vaccinated.Vaccination is voluntary by law.The employer cannot use, without incurring the risk, any form of pressure or sanctions, such as termination of employment on non-vaccinated employees. However, there is no uniform view in this regard. The practitioners' opinions are still evolving. This issue has not been recognized by the employment courts.Employers may only use verbal incentives or information campaigns on vaccination to motivate employees to get vaccinated.Currently, other forms of employees' motivation, e.g. financial rewards or extra day off are not recommended, as they may constitute grounds for a claim for violation of the principle of equal treatment of employees. For the time being, any differences in treatment between vaccinated and non-vaccinated employees may be questioned as not justified by law.

COUNTRY	LEGAL OBLIGATIONS
ROMANIA	<ul style="list-style-type: none">▪ Sanctioning or granting bonuses to employees based on their vaccination will be deemed as a gross breach of employees (as well human) rights, not only related to employment but also on data protection, and general freedoms guaranteed under Convention on Human Rights.▪ Sanctioning or granting bonuses to employees based on their vaccination status might be considered also discrimination based on personal view / option regarding personal health.▪ Some employers might get creative and at least try to motivate their employees to get vaccinated (in spite of the above) by indirectly encourage them (e.g. asking the unvaccinated employees to provide periodically negative PCR tests – which are still costly – approx. USD 100 / test).
SLOVAKIA	<ul style="list-style-type: none">▪ Currently, the employer cannot force employees to be vaccinated.▪ Vaccination is voluntary by law.▪ The employer cannot use any form of pressure or sanctions, such as termination of employment on non-vaccinated employees.▪ Employers may only use verbal incentives or information campaigns on vaccination to motivate employees to get vaccinated.▪ Currently, other forms of employees’ motivation, e.g. financial rewards or extra day off are not recommended, as they may be grounds for a claim for violation of the principle of equal treatment of employees. For the time being, any differences in treatment between vaccinated and non-vaccinated employees may be questioned as not justified by law.

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OSH restrictions

With rising numbers of Covid-19 cases, more restrictions are imposed also on employers and workplaces. Face masks, social distancing, testing - how strict are measures in different countries?

See the comparison.



COUNTRY	LEGAL OBLIGATIONS
CZECH REPUBLIC	<ul style="list-style-type: none">▪ The employer must provide all employees with FFP2, KN 95 or medical masks (ČSN EN 14683+AC). Employees are obliged to wear face masks at the workplace.▪ The employer with 50+ employees must perform regular (once every seven days) preventive testing on COVID-19. Employees are obliged to take the test.▪ Without a proven coronavirus test (with a negative result obtained), the employee is not allowed to be present in person at the workplace. The test on COVID-19 must not be older than seven days.▪ It is permissible to uncover the mouth and nose during consumption of food or drink.▪ A distance of at least 2 m between workstations is recommended, unless it is not possible due to the nature of the activities carried out in the workplace.
HUNGARY	<ul style="list-style-type: none">▪ The employer may take the necessary and justified measures to monitor the employees' state of health.▪ It is a broad regulation which allows the employers to adjust their measures to the working environment.▪ Obligation to wear face masks at the workplace during performance of work and/or keeping minimal distance between employees, etc. might be imposed by the employer.
POLAND	<ul style="list-style-type: none">▪ The employer should provide all employees with single-use gloves or hand disinfectants.▪ A distance of at least 1.5 m between workstations should be provided, unless: (i) it is not possible because of the nature of the activities carried out in the workplace, and (ii) the employer provides personal protective equipment.▪ Employees should cover their noses and mouths by wearing face masks, if there is more than 1 person in the room, unless the employer decides otherwise.▪ It is permissible to uncover the mouth and nose during consumption of food or drink.

COUNTRY	LEGAL OBLIGATIONS
ROMANIA	<ul style="list-style-type: none">As a general rule the employers should implement telework / remote work (to the extent that the role / type of job allows for this).For the roles that remote work is not possible, social distancing of min. 1.5 m between working stations should be applied and face masks (covering both mouth and nose) must be used in all indoor places (except if there is only one person in the room).Also, the temperature is checked at the entrance in the office space, and disinfectant solutions should be made available to employees.The restrictions listed above are only the main ones. The H&S – Covid related instructions have been constantly changing for the last 12 months.
SLOVAKIA	<ul style="list-style-type: none">The restrictions with respect to COVID-19 pandemic are evolving and changing on monthly basis.Currently, the Employer is obliged to prohibit employees from entering employer’s premises, with certain exceptions (proof of a negative antigenic test, proof of vaccination with the second dose of the vaccine, etc.) This obligation applies to different districts of Slovak Republic from different dates depending on the degree of warnings pursuant to COVID AUTOMAT.Employer is obliged to request each employee to submit a negative result of the RT-PCR test for COVID-19 and confirm a completion of domestic isolation, if the employer has knowledge or reasonable suspicion that employee has been abroad during the last 14 days.The employer is obliged to visibly place the notification of the entry ban, its conditions and exemptions.Obligation to wear face masks at the workplace during work performance and keeping minimal distance between employees is stipulated with respect to all natural persons (employees) and therefore does not constitute per se obligation of the employer.

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Remote work

Is it sufficient for the employer to ask employee to work from home to make it happen? On what basis may the remote work be implemented?

Let's see.



COUNTRY	LEGAL OBLIGATIONS
CZECH REPUBLIC	<ul style="list-style-type: none">▪ The employee does not have the right to work remotely, the employer cannot force employees to do remote work.▪ The employer's instruction to perform work remotely is not sufficient. Additional agreement between parties is needed, e.g. oral or written agreement, according to the frequency of remote work.▪ All equipment/materials should be provided by the employer, however, with the consent of the employer, employees can also use their own equipment. Employees must be reimbursed for depreciation, wear and tear and home-office expenses.▪ The employer can ask the employee to keep records of the activities performed, the date and time of their performance.
HUNGARY	<ul style="list-style-type: none">▪ The parties shall agree on remote working in the employment contract. Remote working shall always be performed on a regular basis (e.g., continuous for 6 months or twice a week).▪ At present, the application of remote working got simplified due to the state of danger. Employers and employees may decide to deviate from the provisions of remote working provided in the Labour Code during the state of danger and freely establish the conditions of remote working.▪ Additionally, during the state of danger an employer can order remote working or home office unilaterally.▪ Home office differs from remote working to the extent that it is implemented on a case-by-case basis, depending on the employer's decision and it does not need to be specified in the employment contract.

COUNTRY	LEGAL OBLIGATIONS
POLAND	<ul style="list-style-type: none">▪ The employer’s instruction to perform work remotely is sufficient.▪ At the moment, no additional agreement is needed.▪ Remote work can be performed when: (i) the employee has the technical capabilities/premises and (ii) the type of work allows it.▪ Remote work should be performed for a specific period of time.▪ All equipment/materials should be provided by the employer,, however employees can also use their own equipment etc. provided that it enables protection of confidential information.▪ The instruction to work remotely may be revoked at any time.▪ The employer can ask the employee to keep records of the activities performed, the date and time of their performance.▪ The issue of remote work is currently under consideration by the Ministry of Economic Development, Labour and Technology. The latest information suggests that the regulations of remote work will be similar to telework, e.g. the specific rules of remote work shall be determined in an agreement with trade unions or in regulations issued by the employer, the employer shall be obliged to cover the costs directly related to remote work, etc.
ROMANIA	<ul style="list-style-type: none">▪ Romanian legislation creates many obstacles that make it difficult for employers.▪ Telework is possible only based on parties’ consent and involves (i) executing an addendum to the existing employment agreement (ii) this agreement should have specific mandatory clauses in particular related to the occupational safety and health obligations of the parties – the employer is still responsible for work accidents and (iii) the change from office work to telework must be declared by the employer by performing certain registrations with the national employees database kept by the local labour authorities.▪ The employers are still obliged to keep a strict record of the worked hours (beginning and end time) to be presented to the labour authorities in case of investigation. This is actually in contradiction with the spirit of remote work.▪ Telework law is rigid, implies a lot of obligations for both parties, and must be urgently adapted to the needs of both employees and employers as well as to market trends.

COUNTRY	LEGAL OBLIGATIONS
SLOVAKIA	<ul style="list-style-type: none">Please note Slovak Labour Code distinguishes between three different types of a remote work:<ul style="list-style-type: none">Tele workingDomestic working - the work is carried out regularly from the employee's household or other location.Home office - the work is carried out occasionally from the employee's household or other location. <p>DOMESTIC WORKING</p> <ul style="list-style-type: none">The specific written agreement between employer and employee is necessary (either as a part of employment agreement or as a separate agreement).The employer shall take appropriate measures, in particular:<ul style="list-style-type: none">provide, install and regularly maintain the technical equipment and software, except in cases where the employee uses, in agreement with the employer, his own technical equipment and software,ensure the protection of data,pay demonstrably increased expenses of the employee connected with the use of own tools, own equipment and own objects,inform the employee of any restrictions on the use of hardware and software, as well as the consequences of violating these restrictions, etc. <p>HOME OFFICE</p> <ul style="list-style-type: none">In general home office might be allowed based on the agreement between employer and employee.At the time of the state of danger and for two months after their appeal:employer is entitled to order the performance of work from the employee's household, if the agreed type of work allows it,employee has the right to perform work from his or her household, if the agreed type of work allows it and there are no serious operational reasons on the part of the employer that do not allow the performance of work from employee's household,The employer is obliged to ensure the protection of data which are processed and used, in particular the respective software.

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