



What should employers be doing about coronavirus (COVID-19)?

Littler's COVID-19 Task Force addresses employer concerns, as well as global issues surrounding the outbreak and its effect on the workplace.

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[Geida Sanlate](#), Littler Editor

Australia

New Industrial Manslaughter Laws Introduced in Victoria

New Legislation Enacted

Author: Naomi Seddon, Shareholder - Littler United States

In November 2019, the Victorian parliament passed the *Workplace Safety Legislation Amendment*, which is aimed at punishing employers for negligent action or inaction resulting in the death of an employee or member of the public. This legislation will come into effect on July 1, 2020, and it amends the *Occupational Health and Safety Act 2004* to create two new offenses relating to "workplace manslaughter." The new laws will provide that a person (including a corporation or their officers) will be guilty of "workplace manslaughter" if they: engage in negligent conduct; and that conduct amounts to a breach of an OHS duty owed to another person; and that conduct causes the death of another person. Penalties for breach will carry a maximum term of 20 years imprisonment and a legal entity can be subject to fines of approximately \$16 million.

2020 Modern Award Changes

New Legislation Enacted

Author: Naomi Seddon, Shareholder - Littler United States

The Fair Work Commission (FWC) has made changes to the annualized salary provisions, affecting 19 modern awards that include annualized salary clauses and three awards that have not previously included such clauses but will now have new clauses inserted. These new changes, which came into effect on March 1, 2020, also introduce additional obligations on employers such as new hours recording obligations and auditing requirements to ensure that employees are not underpaid resulting from annualized salary arrangements. Other key changes include the

following: notifying employees in writing about salary; employment agreements specifying amount of overtime per pay period; reconciliation yearly, and if there are discrepancies, the shortfall must be paid to the employee within 14 days; and employers must keep accurate time and wage records for all employees. It is important to note that one of the awards that has been amended in this manner is the Clerks Private Sector Award 2020. The Clerks Award changes will therefore impact almost all employers in Australia as it applies to all clerical and administrative employees. Employers should therefore review their employment agreements and HR policies and practices immediately to ensure compliance with the new laws.

Australia's Superannuation Laws: 2020 Changes

New Legislation Enacted

Author: Naomi Seddon, Shareholder - Littler United States

On January 1, 2020, the *Treasury Laws Amendment* came into effect. The relevant changes to the Superannuation Act are as follows: amounts that an employee salary sacrifices to superannuation cannot reduce an employer's guarantee charge, and sacrificed amounts do not form late contribution an employer makes that are eligible to be offset against the guarantee charge; an employer must contribute at least 9.5% of an employee's ordinary time earnings base (OTE) to a complying superannuation fund or retirement savings account; and if an employer has a shortfall, the amount is calculated by reference to the employee's total salary or wages base and any amounts sacrificed into superannuation that would have been salary or wages, but for the salary sacrifice arrangement. Employers should review their current payroll practices and HR policies to ensure compliance with these changes.

Changes on the Horizon for Employee Equity Schemes in Australia

Proposed Bill or Initiative

Author: Naomi Seddon, Shareholder - Littler United States

The Government has announced that it plans to review the tax treatment of employee equity schemes in Australia. The House of Representatives Standing Committee on Tax and Revenue has commenced an inquiry as many technology companies have indicated tax treatment as a factor to why companies are moving off-shore. Currently employers can gift \$1,000 of shares to each employee earning less than \$180,000, without incurring any tax consequences for the business or individual. In some cases employees will incur tax immediately upon grant. In 2015, the tax laws changed, specifically targeting start-ups, so that employee options and rights can be taxed at the time of sale in certain circumstances, but there is a 10% cap on individual employee options among other issues. For example, many companies calculate the exercise price attached to the options to accommodate for the tax that may be payable by employees, which creates an inaccurate valuation. The inquiry is still in progress.

Employer Obligations in Times of Emergency Situations: Bushfires, Floods and COVID-19

Trend

Author: Naomi Seddon, Shareholder - Littler United States

While the world is currently grappling with how to handle COVID-19, Australia has been hit particularly hard due to recent bushfires and dangerous flooding. Under the model WHS laws, an employer has a primary duty of care to take steps to ensure worker health and safety. Employers need to keep their employees informed about the situation and the safety measures that are in place, keeping vulnerable employees in mind. Employers are permitted to "stand down" employees during natural disasters and emergencies that require closure. If employers have no applicable enterprise agreement during stand down, an employee does not need to be paid but the employee will continue to accrue leave in the usual way. Employees should be directed to take accrued and unused annual leave before they are placed on unpaid stand down. Employers should also be mindful there is no breach of antidiscrimination laws on the basis of illness/medical condition and on the basis of association, especially when putting plans into effect.

Brazil

Brazil Takes Steps to Manage Labor Force During COVID-19 Pandemic

New Legislation Enacted

Author: Renata Neeser, Shareholder – Littler United States

As countries worldwide are coping with effects of the coronavirus outbreak, Brazil declared a state of public disaster (Legislative Decree # 88/2020) on March 18, 2020, which will allow the government to spend beyond the annual budget to assist with health needs and to support employment. The day before, Brazil's Minister of Economy, Paulo Guedes, announced several measures to mitigate the economic impacts of the coronavirus, which is estimated to have reached R\$147 billion. Meanwhile, some large cities in Brazil have implemented their own restrictions to help limit the virus' spread. This article, published under the same title on littler.com, discusses how the government's measures affect employers.

COVID-19 Resources for Employers in Brazil

New Legislation Enacted

Author: Renata Neeser, Shareholder – Littler United States

Because the COVID-19 situation is dynamic, with new governmental measures each day, employers should consult with counsel for the latest developments and updated guidance on this topic. Littler has published various articles, addressing related concerns – by topic, industry, and geographic region, including covering Brazil's governmental measures – to help employers identify issues and weigh their options. Littler's articles can be found in its "Coronavirus (COVID-19) Resources for Employers" page, available at littler.com/coronavirus.

Canada

COVID-19: Federal Bill C-13 Amends Leave of Absence Provisions

New Legislation Enacted

Authors: Rhonda B. Levy, Knowledge Management Counsel and Monty Verlint, Partner – Littler Canada

On March 25, 2020, federal "Bill C-13, An Act respecting certain measures in response to COVID-19" amended the leave of absence provisions in the Canada Labour Code (CLC). Amendments to the CLC include, among other things: waiver of the medical certificate requirement for compassionate care, critical illness and medical leaves of absence until September 30, 2020; the addition of a 16-week leave of absence for quarantine to the existing medical leave provision effective October 1, 2020; and the addition of a new 16-week leave of absence if the employee is unable or unavailable to work for reasons related to COVID-19.

COVID-19: Ontario's New Emergency Leave

New Legislation Enacted

Authors: Rhonda B. Levy, Knowledge Management Counsel and Monty Verlint, Partner – Littler Canada

In response to the COVID-19 crisis, on March 17, 2020, the Government of Ontario declared an emergency under the Emergency Management and Civil Protection Act. On March 19, 2020, Ontario's Legislature enacted the Employment Standards Amendment Act (Infectious Disease Emergencies), 2020 (Bill 186), amending Ontario's Employment Standards Act, 2000 to create the new Emergency Leave: Declared Emergencies and Infectious Disease Emergencies. This new leave covers two separate emergency situations in which an employee may be on unpaid, job-protected leave from work: Declared Emergencies and Infectious Disease Emergencies. On March 19, 2020, pursuant to Ontario Regulation 66/20, COVID-19 was designated an infectious disease for purposes of the new leave, retroactive to

January 25, 2020, the date on which the first presumptive COVID-19 case was confirmed in Ontario. Employment standards legislation has been amended in other provinces to include variations of this COVID-19 emergency leave, including in Newfoundland, British Columbia, Alberta, and Saskatchewan.

Federally Regulated Employees Can Make Unjust Dismissal Complaints After Signing Releases Precedential Decision by Judiciary or Regulatory Agency

Authors: Rhonda B. Levy, Knowledge Management Counsel and Monty Verlint, Partner – Littler Canada

In *Bank of Montreal v. Li*, 2020 FCA 22, the Federal Court of Appeal (FCA) dismissed the company's appeal of the Federal Court's decision in *Bank of Montreal v. Li*, 2018 FC 1298. The court refused to depart from its earlier decision in *National Bank of Canada v. Canada (Minister of Labour)*, [1997] 3 FCR 727 (FC), aff'd, 1998 CanLII 8077 (FCA). Accordingly, eligible employees of federally regulated employers may make claims for unjust dismissal under s. 240 of the *Canada Labour Code* during the permissible 90-day period, even after signing releases and settlement agreements.

Federal Government to Provide 75% Canada Emergency Wage Subsidy to Employers Proposed Bill or Initiative

Authors: Rhonda B. Levy, Knowledge Management Counsel and Monty Verlint, Partner – Littler Canada

To motivate employers to keep their employees during the COVID-19 crisis, the federal government is providing the Canada Emergency Wage Subsidy, a 75% wage subsidy to employers that have had a reduction in revenue of 30%. In addition to being available to taxable corporations and nonprofits, the subsidy will also be available to individuals who are employers and to partnerships, however it will not be available to public sector entities. There will be no overall limit on the subsidy amount that an eligible employer may claim. The subsidy will apply to 75% of the first \$58,700 earned, which could amount to payments of up to \$847 per week. The subsidy will be available for up to a 12-week period from March 15, 2020 to June 6, 2020, and it will be retroactive to March 15, 2020. Employers will be expected to make their best efforts to top up salaries to 100% of the maximum wages covered. Penalties may apply in cases of fraudulent claims.

COVID-19: Federal Bill C-13 Creates Canada Emergency Response Benefit

Trend

Authors: Rhonda B. Levy, Knowledge Management Counsel and Monty Verlint, Partner – Littler Canada

On March 25, 2020, federal "Bill C-13, An Act respecting certain measures in response to COVID-19," received Royal Assent. Among other things, Bill 13 created the Canada Emergency Response Benefit Act, which authorizes the Canada Emergency Response Benefit (CERB). CERB provides income support payments of \$2,000 per month to workers suffering a loss of income related to COVID-19 for up to 16 weeks. To be eligible, workers must fall in to the following criteria: not be earning any income for at least 14 consecutive days; be at least 15 years of age and resident in Canada; and have a total income of at least \$5,000 in 2019 or the preceding 12-month period from employment, self-employment, benefits paid under the Employment Insurance Act, and pregnancy/parental leave benefits.

Colombia

Mandatory Isolation's Exempted Activities

New Order or Decree

Author: Sergio Campos Guzmán, Attorney-at-Law - Littler Colombia

On March 22, 2020, the Colombian Government issued Decree 457 of 2020, ordering a mandatory isolation in Colombia, due to the COVID-19. Isolation is in place from March 25, 2020, until April 13, 2020. Nevertheless, to protect people's health and life, in Article 3 of the decree, the Government excluded certain economic activities from mandatory isolation.

COVID-19: Unemployment Aid for Employees with Reduction in Monthly Income

New Order or Decree

Author: Sergio Campos Guzmán, Attorney-at-Law - Littler Colombia

The Ministry of Labor and the Colombian Government issued the Decree 488 of 2020, which modified the rules regarding unemployment aid (*Auxilio de cesantías*) to grant employees financial relief during the social, economic and ecological emergency due to COVID-19. Under Article 3 of the decree, employees will be allowed to make partial withdrawals of unemployment aid to offset any reduction in their monthly income. (Generally, employees cannot use this fund unless they are unemployed or need the funds for living or educational purposes). This measure will require employers to report the income reduction. The Financial Superintendence of Colombia issued the relevant instructions to the Unemployment Aid Funds to enable online withdrawal procedures.

Finland

Obligations for Redundancies Affecting at Least 10 Employees

New Legislation Enacted

Author: Antti Rajamäki, Employment Counsel - Dottir Attorneys, Ltd.

Employers will be obligated to notify the local employment office of any redundancies that affect at least 10 employees. In addition, the employer will be obligated to inform the employees about their right for a re-employment plan to be drafted together with the employment office. These legal obligations will be effective April 9, 2020.

COVID-19: Faster and More Flexible Temporary Layoffs and Trial Period Terminations

New Legislation Enacted

Authors: Antti Rajamäki, Employment Counsel and Samuel Kääriäinen, Partner - Dottir Attorneys, Ltd.

Due to COVID-19, a temporary change to the Employment Contracts Act will shorten the notice period for temporary layoff from 14 days to 5 days. The change allows the temporary layoff of employees with fixed-term employment contracts on the same grounds as employees with employment contracts in force until further notice, as well as the possibility to execute immediate trial period terminations for production, financial and/or re-organization related grounds. The temporary package will also include extending the redundancy related re-employment obligation to nine months after the employment has ended. The legislation will be effective April 1, 2020, and shall be in force until June 30, 2020, and may be extended further.

COVID-19: Co-Operation Consultation Period to Shorten to 5 Days

New Legislation Enacted

Authors: Antti Rajamäki, Employment Counsel and Samuel Kääriäinen, Partner - Dottir Attorneys, Ltd.

Due to COVID-19, a temporary change to the Act on Co-Operation within Undertakings will shorten the minimum co-operation consultation period regarding layoffs from 14 days or six weeks, to five days. The parties to the consultation are free to agree on an even shorter consultation period. The co-operation consultation obligation concerns companies regularly employing at least 20 employees. The legislation will be effective April 1, 2020, and shall be in force until June 30, 2020, and this period may be extended later. There are some collective agreements that require longer consultations and such provisions must be complied with even after the temporary legislation changes.

Supreme Court Ruling on Comparable Positions and Equal Treatment

Precedential Decision by Judiciary or Regulatory Agency

Author: Samuel Kääriäinen, Partner - Dottir Attorneys, Ltd.

On January 15, 2020, the Supreme Court ruled on salary equality between two groups of employees working for the same employer. The factual duties of both employee groups had significant similarities but the salaries were different, in favor for the full time paramedics over firefighters. The city of Helsinki justified the salary difference by identifying differences in the duties and by remarking that the groups were governed by different collective bargaining agreements containing their own salary provisions. The Supreme Court ruled in favor of the employer, stating that although as a main rule an employer must treat all of its employees equally, it is allowed to deviate from this main rule for a justified reason relating to the employees' positions, duties or working conditions. This rule applies where there are several similarities, as long as there are relevant differences. It is not relevant to compare duties that are more challenging than the other, since the two groups are different to one another.

COVID-19: Right to Unemployment Benefit Due to Layoff is Expanded

Proposed Bill or Initiative

Author: Antti Rajamäki, Employment Counsel and Samuel Kääriäinen, Partner - Dottir Attorneys, Ltd.

Due to COVID-19, a temporary change to the Unemployment Benefit Act will expand the employee's right to unemployment benefits in layoff situations so that the employee's studies or entrepreneurship would not disable the employees possibilities to receive unemployment benefit during layoff. In addition, the government plans to remove the five-day waiting period from the beginning of the unemployment temporarily. The legislation will be enacted in April 2020, but will affect all temporary layoffs initiated after March 16, 2020, and shall be in force until July 31, 2020.

France

Emergency Law in Response to COVID-19

New Legislation Enacted

Author: Guillaume Desmoulin, Partner - Littler France

On March 23, 2020, Title III was enacted as economic emergency measures to assist companies in the COVID-19 epidemic. This law contains several measures, such as facilitating implementation of part-time work and furlough; authorizing employers to require employees to take or modify their dates of paid leaves; allowing companies to derogate to public policy rules and CBA provisions related to working time, weekly rest and Sunday rest. It also allows modification of the following: dates and conditions of payment of "purchasing power" premiums; dates and conditions of payment of a profit sharing plan; and the means of information and consultation of staff representatives,

so that it can deliver its opinion, and suspend the on-going professional elections. Several orders have already been published.

Partial Activity Scheme to Prevent Economic Dismissals

New Order or Decree

Author: Guillaume Desmoulin, Partner - Littler France

A partial activity scheme to prevent economic dismissals is available, so employers can suspend the work of their employees or reduce working time, while maintaining 70% of the salaries during a temporary period and being reimbursed by the State. To help companies facing COVID-19, the government simplified the existing scheme. As of March 1, 2020, companies can request the new scheme be used when: they have been required to close as a consequence of public decision; they are facing a decrease of business; or when it is impossible to implement the minimum health and safety measures. On March 25, 2020, the decree modified the calculation rules of the allowance and it provides more flexibility in the application process for employers. This new scheme will apply until December 30, 2020.

Judiciary Extension of Consultation Delays of Staff Representative Bodies

Precedential Decision by Judiciary or Regulatory Agency

Author: Guillaume Desmoulin, Partner - Littler France

On February 20, 2020, the French Supreme Court ruled for the first time that when the claim from the works council is justified, then a judge can compel the employer to communicate additional information and extend the maximum consultation period or set a new final date of consultation after the additional information is delivered.

Burden of Proof Regarding Overtime

Precedential Decision by Judiciary or Regulatory Agency

Author: Guillaume Desmoulin, Partner - Littler France

Until recently, for a litigation regarding the existence of and/or the number of overtime hours, the employee had to provide to the employment tribunal sufficient evidence to support their claim, especially evidence regarding the exact number of effective working hours. In compliance with the recent case law of the EU Court of Justice (May 14, 2019, n°C-55/18) compelling employers to implement reliable tools for recording work time, the French Supreme Court detailed the rules regarding the burden of proof regarding overtime. Employees are expected to communicate evidence supporting their overtime claims. However, the French Supreme Court ruled that the employment tribunal shall also make their decision by analyzing the evidence provided by the employer. In other words, the courts shall not only consider the evidence or calculations from the employee before assessing the existence and the amount of overtime.

Hungary

Relaxing the Labour Code's Rules Due to COVID-19

New Order or Decree

Author: Zoltán Csernus, Attorney-at-Law - VJT & Partners Law Firm

The Government issued a decree that relaxed the rules of the Labour Code and data protection from several aspects for the period of pandemic. Employers may: unilaterally send the employee to work from home; change the work schedules on short notice; take necessary steps to control and review the employees' health. Employer and employee may deviate from the Labour Code in a separate agreement. The provisions of collective bargaining agreements being against the said rules are not applicable.

Restriction of Mobility Due to COVID-19

New Order or Decree

Author: Zoltán Csernus, Attorney-at-Law - VJT & Partners Law Firm

The Government banned the public from leaving their houses, except for reasons enumerated in the decree, which include visiting groceries, pharmacies, tobacco shops, gas stations, post offices and other essential services. The bulk of retail stores cannot be visited, thus employers face losing their turnover and downsizing their employees, resulting in soaring unemployment rates.

India

Transgender Rights Law Enacted

New Legislation Enacted

Authors: Ajay Singh Solanki and Archita Mohapatra, Attorneys at Law - Nishith Desai Associates

On January 10, 2020, the Transgender Persons (Protection of Rights) Act, 2019 (TPPR Act) was enacted. Under the TPPR Act, establishments are prohibited from discriminating against any transgender person in matters relating to, *inter alia*, employment or occupation, especially recruitment, promotion, termination and other related issues. Every establishment is required to provide such facilities to transgender persons as may be prescribed under rules (yet to be formulated) and designate a person to be a complaint officer to deal with complaints raised with respect to violation of the TPPR Act.

COVID-19: Government Guidance for Employers in India

New Order or Decree

Authors: Ajay Singh Solanki and Archita Mohapatra, Attorneys at Law - Nishith Desai Associates

In view of COVID-19, the Federal Government has issued orders to shut down all shops, commercial and private establishments and factories, except those that provide "essential services" for a period of 21 days, commencing on March 25, 2020. During the lockdown period employers should pay full wages to employees without any deductions. Several State Governments issued similar lockdown orders prior to the Federal Government's order, with similar ask from the employers. Further, on March 20, 2020, the Ministry of Labour and Employment advised employers' organizations that employers should not terminate employment or reduce wages of employees, particularly casual or contractual workers. The letter also stated that if employees take leave, they will be deemed to be on duty, without any consequential deduction in wages for this period.

Wage Ceiling for Employees' Compensation Act Enhanced

New Regulation or Official Guidance

Authors: Ajay Singh Solanki and Archita Mohapatra, Attorneys at Law - Nishith Desai Associates

On January 3, 2020, the monthly wage ceiling for calculation of amount of compensation under Employees' Compensation Act, 1923 (ECA) has been enhanced from INR 8000 (USD 112 approx.) per month to INR 15,000 (USD 210 approx.) per month. ECA provides for payment of compensation by certain classes of employers to employees for injury by accidents arising out of or in the course of employment. Due to increased ceiling of monthly wages for calculation of compensation under the ECA, the amount of compensation which the employees are entitled to receive in case of death and disablement (partial / permanent) resulting from an injury under the ECA, will increase.

Employees State Insurance Corporation Has New Inspection Period: 5 Years

New Regulation or Official Guidance

Authors: Ajay Singh Solanki and Archita Mohapatra, Attorneys at Law - Nishith Desai Associates

On January 28, 2020, the Employees State Insurance Corporation (ESIC) issued a clarification prohibiting the authorized officers from inspecting records of employers that date back beyond five years. Since ESIC has ordered for strict compliance with the clarification notification, it is likely to reduce the compliance burden on employers to an extent.

COVID-19: Employees' Provident Fund Law Amended

Important Action by Regulatory Agency

Authors: Ajay Singh Solanki and Archita Mohapatra, Attorneys at Law - Nishith Desai Associates

An amendment to the Employees' Provident Fund Scheme, 1952 (EPF Scheme) will be in effect as of March 28, 2020, due to the COVID-19 outbreak. Accordingly, eligible employees can seek a nonrefundable advance (withdrawal) of up to three months' basic wages and dearness allowance. Alternatively, eligible employees can draw up to 75% of the amount standing to employees' credit in the EPF account, whichever is less.

Ireland

High Court on Enforceability of Noncompete Restriction

Precedential Decision by Judiciary or Regulatory Agency

Author: Emmet Whelan, Partner – ByrneWallace

The Irish High Court recently held that a covenant preventing a former senior executive of an airline from being "employed, engaged, concerned or interested in any capacity" with "any business wholly or partly in competition" with the employer was void and unenforceable as an unjustified restraint of trade.

When Can an Employer Use CCTV Footage for Workplace Investigations?

Precedential Decision by Judiciary or Regulatory Agency

Author: Emmet Whelan, Partner – ByrneWallace

The Irish High Court has recently found fault with an employer for viewing CCTV footage for one purpose, but using it for a different purpose. The case underlines the need for employers to have data protection policies that are sufficiently broad to allow an employer to use workplace CCTV for legitimate purposes.

COVID-19: Latest Employment Law Developments

New Regulation or Official Guidance

Author: Emmet Whelan, Partner – ByrneWallace

On March 12, 2020, in light of the COVID-19 pandemic, the Irish Government announced that schools, colleges and childcare facilities would close. Further restrictions were implemented in respect of public gatherings. Employers should assign the task of reviewing public health and government guidance to senior employees. Employers must also communicate information and instruction to employees, as it is a legal duty of the employer. The Government has advised that employees should remote work if possible. The Government has also introduced bills to provide support for those who have been affected by COVID-19, such as providing income support.

COVID-19: Temporary Wage Subsidy Scheme

Proposed Bill or Initiative

Author: Emmet Whelan, Partner – ByrneWallace

The Irish Government has introduced a Temporary Wage Subsidy Scheme under emergency legislation that will provide additional financial support for employers affected by the COVID-19 pandemic. The State will contribute up to €410 per week per employee to pay wages during the crisis.

COVID-19: Working from Home

Important Action by Regulatory Agency

Author: Emmet Whelan, Partner – ByrneWallace

The Health and Safety Authority and the Data Protection Commission in Ireland have both published guidance to assist employers and employees in relation to working from home as part of the national response to COVID-19. There is a duty that employers have to ensure the health safety, and welfare of all employees, when an employee must work from home. There is no duty to do an inspection of the employee's home, but asking the employee to provide information about their workspace at home should suffice. For example, is there enough workspace to accommodate all work equipment? The employees' responses should be recorded, and if an employee has needs, an employer must take immediate action and establish how the problem will be addressed. Specific risk assessment measures should be taken if an employee is pregnant, a night worker, a young worker under 18, or a worker with a disability.

Italy

Service Agreements and the Tax Decree: A New Set of Rules

New Legislation Enacted

Author: Carlo Majer, Partner – Littler Italy

Starting January 1, 2020, new requirements for service agreements and against unlawful staff leasing were introduced in Italy. The provisions include: (a) the principal must require the contractor (or subcontractors) to provide documentation giving evidence of the proper calculation and actual payment of withholdings related to the employees engaged in the relevant service agreement; (b) the contractor (and each subcontractor) must send, within five days following the deadline to pay the withholdings, a number of detailed documentations proving the fulfillment of all duties towards their employees. The breach of the latter obligations by the contractor (or subcontractors) will result, among other things, in the principal's obligation to suspend the payment of the services fees, for an amount

equal to the withholdings, up to a cap of 20% of the services fees. Within the following 90 days, the principal must communicate the violation to the competent tax authority (*Agenzia delle Entrate*).

COVID-19: Short-time Work

New Order or Decree

Author: Carlo Majer, Partner – Littler Italy

As a result of the COVID-19 emergency, Italy has introduced new legislation (Decree no. 9/2020; Decree no. 18/2020) to implement a number of stimulus regulations. With reference to short-time work, employers can require employees to suspend their work activity in full or in part, while Italian National Security Authority (INPS) will be providing for up to 80% of the employees' lost salary for short-time work. Short-time work is accessed through a variety of programs: "*Cassa Integrazione Guadagni Ordinaria*," available to industrial (and similar) companies employing more than 15 individuals; "*Fondo di Integrazione Salariale*," available to commercial (and similar) companies employing more than 15 individuals; "*Cassa Integrazione Guadagni in deroga*," available to all businesses and particularly small ones. In all cases of short-time work, a fast consultation process with unions is required. Employers can access all of these social programs for a maximum of nine weeks.

COVID-19: Employees Benefits Provisions

New Order or Decree

Author: Carlo Majer, Partner – Littler Italy

As a result of the COVID-19 emergency, Italy has introduced new legislation (Decree no. 9/2020; Decree no. 18/2020) to implement a number of stimulus programs for employees: (a) in the form of parental leave, parents who are staffed as employees or are self-employed workers have an extra parental leave period of up to 15 days; (b) as an alternative to parental leave, parents may access a "babysitting bonus" of up to EUR 600.00 to cover those services; (c) self-employed workers and collaborators enrolled with the so-called "*gestione separata*" of the Italian National Security Authority can access a EUR 600.00 bonus for the month of March 2020; (d) seasonal employees can access an indemnity for the month of March 2020 equal to EUR 600.00; and (e) for individuals who worked in the company's premises in March, a "*una-tantum*" bonus, consisting of EUR 100.00 for employees who have a total income up to EUR 40,000.00.

COVID-19: Collective and Individual Dismissals

New Order or Decree

Author: Carlo Majer, Partner – Littler Italy

As a result of the COVID-19 emergency, Italy has introduced new legislation (Decree no. 9/2020; Decree no. 18/2020) to implement further protections to employees during the emergency. From March 17, 2020, until May 16, 2020, employers cannot start collective dismissal procedures. Meanwhile, any collective dismissal procedures started after February 23, 2020, and still pending are suspended. Additionally, during the same period, employers cannot dismiss employees based on economic reasons, though they may still dismiss for just cause, justified subjective reason, or failure to pass the probationary period. After May 16, 2020, unless new guidelines are published, employers may proceed with dismissals as customarily done before, pursuant to the laws or the National Collective Bargaining Agreements (NCBA) applicable to the employment relationship.

Supreme Court Judgement on Delivery Drivers

Precedential Decision by Judiciary or Regulatory Agency

Author: Carlo Majer, Partner – Littler Italy

Delivery drivers who hold a collaboration contract are entitled to be paid as employees (both from a salary and social security standpoint), based on the application of the Jobs Act Rule (article 2, paragraph 1, of Legislative Decree 81/2015), without the need for the relationship to be converted into a form of ordinary employment. With this decision, the *Corte di Cassazione* (decision 1663/2020) put an end to a litigation of the delivery drivers of digital platforms, affirming important concepts, intended to guide the interpretation and application of all future collaboration contracts.

Japan

Extension of Statute of Limitation for Claims on Unpaid Wages

New Legislation Enacted

Author: Aki Tanaka, Of Counsel – Littler United States

On March 31, 2020, the Labor Standards Act was revised to extend the statute of limitations for unpaid wages, including unpaid overtime, from two years to five years. For the time being, during the transition period, three years will be applied. The government will again review this in five years after effective date of April 1, 2020.

New Law to Keep Employment Until the Age of 70

New Legislation Enacted

Author: Aki Tanaka, Of Counsel – Littler United States

On March 31, 2020, a new law passed to keep employment until the age of 70. Accordingly, employers should: raise the retirement age; introduce a re-hiring system; abolish the retirement age system; and, if necessary, retain employees as independent contractors until employees reach the age of 70. This will take effect on April 1, 2021.

COVID-19: Japan Declares State of Emergency

New Order or Decree

Author: Aki Tanaka, Of Counsel – Littler United States

Due to the COVID-19 outbreak, in early March, the Japanese government implemented various measures to protect the public and the economy. Given the continued rise of infections, on April 7, 2020, Japan declared a state of emergency and enacted a shutdown in Tokyo and other key areas. With such declaration, Japan introduced new laws and mandates to stimulate the economy, and provide relief to individuals and businesses affected by this pandemic. See Littler's most recent updates covering Japan's governmental measures and employers' obligations, published on [littler.com](https://www.littler.com).

Malaysia

Minimum Wage Increases

New Order or Decree

Author: Tan Su Ning, Senior Associate – Skrine

On January 2, 2020, the minimum wage increased to RM1,200 per month (with corresponding increase in daily and hourly wages) in the 56 localities listed in Minimum Wages Order 2020 Schedule. It states that the minimum wage rate payable to an employee who works within the 16 city councils and 40 municipal councils will be RM5.77 an hour or RM1,200 monthly. The rates payable for a four, five, and six-workday week will be RM69.23, RM55.38 and RM46.15, respectively. The minimum wage rates payable for those outside the listed areas will be RM5.29 an hour or RM1,100 per month, with the rates payable for a four, five, and six-workday week being RM63.46, RM50.77 and RM42.31, respectively.

COVID-19: Malaysian Government Imposes Movement Control Order and Caring

New Order or Decree

Author: Tan Su Ning, Senior Associate – Skrine

On March 27, 2020, the government announced the “Pakej Rangsangan Ekonomi Prihatin Rakyat” (Caring Package), a relief and economic stimulus package to assist individuals and businesses to weather the economic challenges brought about by the COVID-19 outbreak. Among other measures, the Caring Package includes: a wage subsidy program, to subsidize the salary of RM600 per month for every employee for three months; deferment/restructuring of Employees Provident Fund contributions; and exemptions of payments of the Human Resources Development Fund and deferment of income tax installment payments for three months commencing April 1, 2020. Additionally, under the Movement Control Order (in effect from March 18, 2020 to April 14, 2020), government and private offices remain closed, except those involved in essential services. Employers in nonessential services cannot require their employees to attend at the place or premises of work, but can implement work-from-home measures, to the extent possible.

COVID-19: Employees’ Provident Fund Withdrawal

New Regulation or Official Guidance

Author: Tan Su Ning, Senior Associate – Skrine

Based on the Prime Minister’s announcement on March 23, 2020, all employees below the age of 55 may withdraw the maximum amount of RM 500 per month for 12 months from their respective EPF account, beginning April 1, 2020.

Employee Retention Program for Employees on Unpaid Leave

New Regulation or Official Guidance

Author: Tan Su Ning, Senior Associate – Skrine

Where cost-cutting measures include a period of at least one month where employees will not be paid, as of March 16, 2020, employees may be able to claim RM600 per month for a maximum period of six months under a stimulus package provided by the Government.

Personal Data Protection Laws

Proposed Bill or Initiative

Author: Tan Su Ning, Senior Associate – Skrine

On February 14, 2020, The Ministry of Communications and Multimedia issued the Public Consultation Paper No. 01/2020 – Review of Personal Data Protection Act 2010 (PC01/2020) to seek the views and comments of the public on 22 issues set out in PC01/2020. Briefly, the issues for which feedback is sought are amongst others, extension of obligations to data processors, data portability, reporting of data breach, clarity in the data subject's consent, transfer of personal data outside Malaysia and right-of-data subject to know third party to whom personal data is disclosed.

Mexico

COVID-19 Resources for Employers in Mexico

New Legislation Enacted

Authors: Monica Schiaffino, Shareholder and Tania Terrazas Arnaldo, Associate - Littler Mexico

Because the COVID-19 situation is dynamic, with new governmental measures each day, employers should consult with counsel for the latest developments and updated guidance on this topic. Littler has published various articles, addressing related concerns – by topic, industry, and geographic region, including covering Mexico's governmental measures – to help employers identify issues and weigh their options. Littler's articles can be found in its "Coronavirus (COVID-19) Resources for Employers" page, available at [littler.com/coronavirus](https://www.littler.com/coronavirus).

COVID-19: Declarations of Sanitary Emergency and Extraordinary Actions

New Order or Decree

Authors: Monica Schiaffino, Shareholder and Tania Terrazas Arnaldo, Associate - Littler Mexico

On March 30, 2020, Mexico's General Health Council declared a sanitary emergency due to the coronavirus (COVID-19) pandemic. On March 31, the Ministry of Health published in the evening edition of the Official Gazette of the Federation an agreement to establish extraordinary actions to deal with the health emergency caused by the COVID-19 virus. Notably, the agreement suspends all non-essential activities from March 30 through April 30, 2020 (Suspension Period). This article, entitled "Mexico: Declarations of Sanitary Emergency and Extraordinary Actions are Issued in Light of COVID-19" and published on [littler.com](https://www.littler.com), discusses how the government's measures affect employers.

Norway

New Whistleblower Provisions

New Legislation Enacted

Authors: Ole Kristian Olsby, Partner and Nina Thjømøe, Senior Lawyer - Littler Norway

On January 1, 2020, several amendments concerning the whistleblower provisions in the Working Environment Act were enacted. The new provisions clarify what is considered to be "censurable conditions" by the employer, what is considered "retaliation" against an employee, and how the employee can put forward a complaint. Further, the employers under the act are obliged to investigate any complaint and establish whistleblower procedures. With the new provisions, the rules do not only comprise of employees and hired agency workers, but also persons who carry out work for the employer, such as students or persons who are placed in the company for training purposes.

Employees subject to illegal retaliation can now demand compensation for both economic and noneconomic loss regardless of the employer's negligence.

Employer's Obligations Under the Equality and Antidiscrimination Act

New Legislation Enacted

Authors: Ole Kristian Olsby, Partner and Nina Thjømøe, Senior Lawyer - Littler Norway

As of January 1, 2020, companies in the public sector, as well as companies with more than 50 employees in the private sector, are obligated to carry out data collection of the pay connected to gender and part-time work, and to document such mapping, every second year. Companies with 20 to 50 employees in the private sector are also obligated to carry out such mapping if one of the parties demands it. Furthermore, the employer must give an account of the state of the company concerning sex equality and what the company does to fulfill their duty to act. The account may be included in the annual report.

COVID-19: Changes in Temporary Lay-Off Rules, Rules on Unemployment Benefits and Sick Leave

New Legislation Enacted

Authors: Ole Kristian Olsby, Partner and Nina Thjømøe, Senior Lawyer - Littler Norway

As of March 20, 2020, Parliament implemented several changes to the rules on temporary lay-offs, unemployment benefits and sick leave due to COVID-19. Temporarily laid off employees are guaranteed full pay up to 6G (1G equals NOK 99858) for 20 days. The employer's duty to pay wages upon temporary lay-off is reduced from 15 to two days, while National Insurance covers the remaining 18 days. In addition, the rate of unemployment benefits for people who are laid off and for those who lose their jobs receive 80% of their income for an income of up to 3G, and receive 62.4% of income between 3G and 6G. The minimum reduction in working hours entitling employees to unemployment benefits has been reduced from 50% to 40%. The employer's responsibility for sick pay during sick leave is reduced from 16 to three calendar days.

New Act on the Protection of Trade Secrets

New Legislation Enacted

Authors: Ole Kristian Olsby, Partner and Nina Thjømøe, Senior Lawyer - Littler Norway

On March 27, 2020, the King in Council sanctioned the new Act on Protection of Trade Secrets. The act implements the EU directive 2016/943 and strengthens the protection of trade secrets. The proposal contains a definition of the term "trade secrets," which comprise confidential information about the company's operations and business, knowledge and technologic information. The proposal uses the term "intervention" about all unlawful actions contrary to the protection of trade secrets, and includes acquirement, use, and distribution of trade secrets. The act also contains new provision on law enforcement for the owner of trade secrets in the event of interventions.

Prison Sentence for Violation of Wage and Hour Regulations

Precedential Decision by Judiciary or Regulatory Agency

Authors: Ole Kristian Olsby, Partner and Nina Thjømøe, Senior Lawyer - Littler Norway

On February 12, 2020, the Supreme Court has for the first time imposed a prison sentence for violating the Working Environment Act's provisions on working hours. The defendant was both Chairperson of the Board of Directors and CEO of a company handling household waste. The Norwegian Labor Inspection Authority conducted inspections with the company in two municipalities and revealed extensive wage and hour violations pertaining to overtime and the

rules on daily and weekly time off. The Supreme Court emphasized that the violations were intentional, systematic and had occurred over a certain period. The defendant was sentenced to 120 days of imprisonment.

Peru

Collective Bargaining of the Public Sector

New Order or Decree

Authors: César Gonzáles Hunt, Partner - Philippi Prietocarrizosa Ferrero DU & Uría

On January 23, 2020, the government published new provisions for the collective bargaining of the public sector. Emergency Decree N°014-2020 identifies which public entities can participate in collective bargaining, as well as at what levels. As an important addition, an Economic and Financial Report is now required to commence bargaining meetings. After the Decree's publication, only entities registered with the National Registry for Arbitrators will be able to participate in collective bargaining of the public sector.

Regulatory Provisions for Life Insurance

New Order or Decree

Authors: César Gonzáles Hunt, Partner - Philippi Prietocarrizosa Ferrero DU & Uría

On February 10, 2020, the Ministry of Labor and Promotion of Employment published Supreme Decree N°009-2020-TR, which establishes a regulatory framework for the mandatory life insurance that all employers must have for their employees. Whereas, under the former framework, employers were required to provide life insurance only after the employee had accumulated four years of service; currently, it must be provided as soon as the employee is hired. The Decree also sets rules and deadlines for the availability of each life insurance benefit, whether based on a natural death, accidental death, or total and permanent disability due to an accident.

COVID-19: Exceptional and Temporary Measures to Prevent Spread

New Order or Decree

Authors: César Gonzáles Hunt, Partner - Philippi Prietocarrizosa Ferrero DU & Uría

Peru declared a National State of Emergency until April 12, 2020. Pursuant to Emergency Decree N°026-2020, published on March 15, 2020, employers can implement remote work for employees who do not provide essential services. Remote work is mandatory regarding all employees that are part of a "high risk group" that includes individuals 60 years old or older and those with a condition affecting their immune system. However, remote work cannot be imposed for employees on a sick leave or with COVID-19.

COVID-19: Measures to Reduce Impact on Peruvian Economy

New Order or Decree

Authors: César Gonzáles Hunt, Partner - Philippi Prietocarrizosa Ferrero DU & Uría

Emergency Decree N°029-2020, published on March 20, 2020, authorizes both public and private employers, until June 9, 2020, to modify workdays and work hours. It also authorizes employers to reach agreements with each of their employees to regulate how the quarantine period will be carried out when remote work cannot be implemented. Where there is no agreement between employer and employee, the employer must grant a paid leave, subject to subsequent compensation of the unworked hours once the State of Emergency ends.

COVID-19: Work From Home in the Private Sector

New Order or Decree

Authors: César Gonzáles Hunt, Partner - Philippi Prietocarrizosa Ferrero DU & Uría

Under Decree N°010-2020-TR, published on March 24, 2020, employers must communicate individually, through virtual or physical means, any changes to remote work arrangements. Employers must also inform employees about all security and health measures the employees should take into account when performing remote work. The workday cannot exceed the legal limit of 8 hours per day or 48 hours per week. Additionally, employees performing remote work must be available throughout the whole work day, through the communication means agreed upon with the employer.

Philippines

COVID-19: Presidential Powers Under Order of State of National Emergency

New Legislation Enacted

Authors: Emerico O. De Guzman, Managing Partner - Angara Abello Concepcion Regala & Cruz Law Offices (ACCRALAW)

On March 24, 2020, President Duterte signed Republic Act No. 11469 into law, declaring a State of National Emergency over the entire country. With such declaration, the President is granted temporary emergency powers to respond to the crisis. Of special note is the power to direct the operation of any privately-owned hospital and medical and health facilities, including passenger vessels, and other establishments, to house health workers, to serve as quarantine areas, or to serve as other temporary medical facilities. However, management and operation of the foregoing enterprises shall be retained by the owners, except that should the latter refuse or signify that they are no longer capable of operating their enterprises for the stated purpose, the President may take over said operations, without prejudice to any penalties which may be imposed on said owners of such establishments. Under the law, the President is also empowered to undertake the procurement of utilities, telecommunications, and other critical services in relation to operation of quarantine centers, medical relief and aid distribution centers, and temporary medical facilities. Additionally, the President may also require businesses to prioritize and accept contracts, subject to fair and reasonable terms, for materials and services necessary to respond to the pandemic. The law takes effect immediately upon its publication and shall be in full force and effect for three months unless withdrawn.

Guidelines on the COVID-19 Adjustment Measures Program

New Order or Decree

Authors: Emerico O. De Guzman, Managing Partner - Angara Abello Concepcion Regala & Cruz Law Offices (ACCRALAW)

On March 17, 2020, the Department of Labor and Employment (DOLE) issued Department Order No. 9, specifying the coverage, requirements, and procedures concerning the implementation of the COVID-19 Adjustment Measures Program (CAMP). CAMP is a financial support program to be applied for by an affected establishment and is also offered to affected workers in private establishments that have adopted flexible work arrangements or temporary closures to mitigate the adverse economic impacts and reduction of income brought about by the COVID-19 pandemic. The assistance may either be in the form of a one-time financial assistance equivalent to Php 5,000.00 that shall be provided to affected workers regardless of employment status, or employment facilitation, where affected workers are provided access to available job opportunities. Meanwhile, Labor Advisory No. 12, providing clarifying guidelines on CAMP, defines affected workers, regardless of employment status, as those employed in

private establishments whose operations are affected due to the COVID-19 pandemic. The Order took effect on March 21, 2020.

COVID-19: Community Quarantine Over the Entire Island of Luzon

New Regulation or Official Guidance

Authors: Emerico O. De Guzman, Managing Partner - Angara Abello Concepcion Regala & Cruz Law Offices (ACCRALAW)

On March 16, 2020, the Executive Secretary issued a mandate for the imposition of a quarantine over the entire island of Luzon, to be in effect from March 17, 2020 until April 13, 2020, whereby only private establishments providing basic necessities and such activities related to food and medicine production shall remain open. For such open establishments, employers shall ensure the adoption of a strict skeletal workforce to support operations, as well as all strict social distancing measures. Examples of establishments that shall remain open include public markets, supermarkets, groceries, convenience stores, hospitals, medical clinics, pharmacies and drug stores, food preparation and delivery services, water-refilling stations, manufacturing and processing plants of basic food products and medicines, banks, money transfer services, power, energy, water and telecommunications supplies and facilities. Business Process Outsourcing (BPO) establishments and export-oriented industries shall remain operational, subject to the following conditions: (a) that strict social distancing measures are observed; (b) their respective personnel are provided appropriate temporary accommodation; and (c) that a skeletal work force shall be implemented.

COVID-19: Implementation of Flexible Work Arrangements as Remedial Measures

New Regulation or Official Guidance

Authors: Emerico O. De Guzman, Managing Partner - Angara Abello Concepcion Regala & Cruz Law Offices (ACCRALAW)

On March 4, 2020, and March 14, 2020, the Department of Labor and Employment (DOLE) issued Labor Advisories No. 9 and 11, recommending the adoption of flexible work arrangements as an alternative to outright termination of the services of employees or the total closure of the establishments. Employers may consider the following work arrangements, among others: telecommuting; work-from-home; reduction of workhours and/or workdays; rotation of workers; and forced leaves. Under the Advisory, leaves of absence during the community quarantine period shall be charged against the workers' existing leave credits, if any. The remaining unpaid leaves during said period may be covered and subject to the conditions provided in the DOLE COVID-19 Adjustment Measures Program (CAMP).

Suspension of Work By Reason of Natural or Man-Made Calamities

New Regulation or Official Guidance

Authors: Emerico O. De Guzman, Managing Partner - Angara Abello Concepcion Regala & Cruz Law Offices (ACCRALAW)

On January 13, 2020, the Department of Labor and Employment (DOLE) issued Labor Advisory No. 1, series of 2020, recognizing the prerogative of private sector employers to suspend work to ensure the safety and health of their employees during a natural or man-made calamity. The Advisory provides that in such cases, the following rules on payment of wages shall apply: (a) If unworked, there shall be no pay, unless there is a company policy, practice, or collective bargaining agreement (CBA) granting payment of wages on said days; and (b) If worked, no additional pay shall be given the employees. The Advisory also provides that employees who fail or refuse to work by reason of imminent danger resulting from natural or man-made calamity shall not be exposed to or subject to any administrative sanction.

Portugal

COVID-19: Extraordinary and Urgent Measures

New Legislation Enacted

Authors: Ricardo Grilo, Senior Associate and Gonçalo Machado dos Santos, Junior Associate - Garrigues Portugal SLP Sucursal

In response to the COVID-19 outbreak, Portugal's government approved a set of measures. Effective March 15, 2020, government-mandated measures include: (1) preemptive isolation for 14 days for employees; (2) no waiting period for employee sick pay; (3) removal of guarantee period for childcare allowances for dependents; (4) absences from work due to unavoidable childcare shall be considered justified and the employee should report the absence under article 253 of the Labor Code; (5) the employee is entitled to receive monthly support equal to two-thirds of their salary; (6) family support for the self-employed; (7) work from home requests may be determined by the employer or requested by the employee without the need for agreement of the parties; and (8) creation of an extraordinary professional training support for employees without work for considerable periods, whose companies have been seriously affected by COVID-19.

COVID-19: State of Emergency Declaration

New Legislation Enacted

Authors: Ricardo Grilo, Senior Associate and Gonçalo Machado dos Santos, Junior Associate - Garrigues Portugal SLP Sucursal

To implement the government's declaration of the State of Emergency, which is applicable throughout the national territory, on March 20, 2020, the government published Decree-Law no. 2-A /2020, placing various restrictions, including: Patients with COVID-19 and those infected by SARS-Cov2 must be in mandatory confinement; individuals over 70 and those who are immunosuppressed have a duty of retreat to their own homes, with exceptions such as purchasing goods and services and traveling for health reasons. Additionally, all other citizens are subject to a general duty of home retreat, except for traveling to care for family members and purchasing goods and services. During the State of Emergency, recreational activities, cultural and artistic activities, sports activities, and other like services are suspended. The State of Emergency shall not suspend essential public services, employees' access for conservation and security purposes, retail, activities for high performance athletes, and restaurant services.

COVID-19: Exceptional and Temporary Protection Measure for Employers and Employees

New Legislation Enacted

Authors: Ricardo Grilo, Senior Associate and Gonçalo Machado dos Santos, Junior Associate - Garrigues Portugal SLP Sucursal

To mitigate the economic impact of the COVID-19 outbreak, Decree-Law no. 10-G/2020, published on March 26, 2020 and effective until June 30, 2020, established various exceptional and temporary measures to support employers and employees. A simplified lay-off procedure through an electronic application filed with the Social Security services is available for companies that implement a total or partial closure either due to a duty to close, or due to a total or partial stoppage resulting from the interruption of global supply chains, the suspension or cancellation of orders, or the abrupt and sharp drop of business. Employers also may be eligible to receive extraordinary financial support to help normalize the company's activities. Employees may be eligible to receive compensation for reductions of the working periods or suspension of their employment contracts. Employers' applications must be supported with documentary evidence, including certifications, accounting balance sheets, cancellations of orders, list of employees, etc. Entities receiving support may be inspected a posteriori. Failure on

the part of the employer or the employee to comply with their respective obligations arising from benefiting from these support measures shall result in the termination of the same and the repayment in full or in part of the amounts received or exempted.

Puerto Rico

Puerto Rico's Working Women's Bill of Rights Includes New Posting Requirement

New Legislation Enacted

Authors: Ana Beatriz Rivera-Beltran, Member and Andrés C. Gorbea-Del Valle, Associate – Littler Puerto Rico

On January 3, 2020, Puerto Rico Governor Wanda Vázquez signed Law No. 9-2020 (the Act), known as the Working Women's Bill of Rights. While the Act expressly states that it was enacted for informational purposes and does not create any new substantive rights, the Act centralizes a non-exhaustive list of previously established rights for working women in the public and private sectors. The Act requires all governmental agencies, public corporations, municipalities and private employers to publish its provisions in a place accessible to all employees and visitors.

The Interplay Between the Federal FFCRA and Puerto Rico's Laws on Vacation and Sick Leave

New Legislation Enacted

Authors: Anabel Rodríguez-Alonso, Capital Member and Mariela Rexach-Rexach, Capital Member – Littler Puerto Rico

On March 18, 2020, the President signed into law the Families First Coronavirus Response Act (FFCRA). Among other things, the new law provides for paid sick leave and expanded FMLA provisions. The benefits provided for by the FFCRA are in addition to any benefits under state law or voluntarily provided by an employer pursuant to its policies. Therefore, the emergency paid sick leave is in addition to the statutory sick leave benefit and applicable vacation leave to which Puerto Rico non-exempt employees are entitled under the Minimum Wage, Vacation, and Sick Leave Act, Act No. 180 of July 27, 1998, as amended, or, alternatively, to any other similar benefit voluntarily provided under an employer's policy to either exempt or nonexempt employees.

COVID-19: New Labor Department Opinion on Employee Compensation and Leaves

New Regulation or Official Guidance

Authors: Anabel Rodríguez-Alonso, Capital Member, Elizabeth Pérez-Lleras, Capital Member and Albert Tabales-Maldonado, Associate – Littler Puerto Rico

On March 23, 2020, the Secretary of the Puerto Rico Department of Labor and Human Resources issued Opinion No. 2020-02, discussing provisions applicable to both exempt and non-exempt private-sector employees impacted by the COVID-19-related lockdown imposed by Executive Order No. 2020-023. Opinion 2020-02 addresses permitted wage deductions, restates the employer's duty to comply with occupational health and safety requirements, and briefly discusses the new paid leaves available to employees pursuant to the Families First Coronavirus Response Act, Pub. L. 116-127.

Considerations for Employers Monitoring Employees' Body Temperatures, Amid the COVID-19 Outbreak

New Regulation or Official Guidance

Authors: Anabel Rodríguez-Alonso, Capital Member and Ana Beatriz Rivera-Beltrán, Member – Littler Puerto Rico

In response to the COVID-19 pandemic, the Secretary of the Puerto Rico Department of Labor and Human Resources issued guidance that specifically allows employers to take an employee's body temperature provided they secure

the individual's express consent. The Article addresses issues employers should consider when implementing such measure.

Treasury Department Extends Tax Exemptions for COVID-19 Employer-Provided Payments and Amends Rules for Qualified Retirement Plan and IRA Distributions

New Regulation or Official Guidance

Authors: Lourdes C. Hernández-Venegas, Capital Member and Shiara L. Diloné-Fernández, Capital Member – Littler Puerto Rico

On March 29, 2020, the Puerto Rico Treasury Department issued guidance on temporary income tax exemptions over payments and benefits voluntarily provided to employees by employers, in response to the COVID-19 emergency. Internal Revenue Circular Letters (CC RI) Numbers 20-22 and 20-23 extends the provisions of Circular Letter 20-08 (CC RI 20-08) to qualifying payments voluntarily provided by employers as a result of the COVID-19 emergency. CC RI 20-08 granted employers temporary income tax exemptions over payments and certain benefits made to their employees and/or independent contractors to assist with earthquake relief efforts. The latter amends Internal Revenue Circular Letter 20-09 (CC RI 20-09), which provided special rules and procedures applicable to distributions from qualified retirement plans and individual retirement accounts (IRAs) following the recent earthquakes in Puerto Rico, to incorporate, as part of the definition of "Eligible Expenses," those related to the COVID-19 emergency.

Russia

COVID-19: Presidential Orders on Measures to Prop Up Economy

New Order or Decree

Author: Uliana Kozeychuk, Attorney - Littler United States

New measures, based on President Putin's Order Nos. 205 and 206, affect employers in Russia, as follows: (1) March 30, 2020 through April 3, 2020 are declared days off with full pay; (2) Government agencies, healthcare, pharmacies, stores, media, and other essential business will continue to operate; (3) Voting on Constitutional Amendments is being moved from April 22, 2020 to a day to be determined (if it falls on a workday, employers must relieve workers of all duties and pay for such workday as if it were a holiday); (4) Paid sick leave pay calculations have changed to be based on minimum wage until the end of 2020, at the earliest; (5) Unemployed benefits will equal minimum wage for most unemployed workers; (6) Small and medium-sized businesses will have lowered payroll tax rates (from 30% to 15%) applicable to wages in excess of minimum wage; and (7) For minimum wage, the rate will stay the same.

COVID-19: Guidance on Temperature Checks

New Regulation or Official Guidance

Author: Uliana Kozeychuk, Attorney - Littler United States

On March 16, 2020, the Federal Service for Supervision of Communications, IT, and Mass Medias issued an explanation on temperature checks for employers. There is no need to ask workers or visitors to employers' premises for their consent for these checks because working at, and visiting the premises, imply that consent was given. Employers need to post a notice on the premises about such temperature checks and destroy the temperature checks data within 24 hours. Employers may deviate from these requirements based on guidance provided by local or regional authorities.

Saudi Arabia

New Resolution for Nighttime Employees

New Legislation Enacted

Authors: Sara Khoja, Partner and Sarit Thomas, Attorney-at-Law - Clyde & Co.

Effective January 1, 2020, the Ministry of Labour and Social Development issued a resolution providing for minimum requirements employers must provide to their employees who are required to work between 11pm-6am. The requirements include: appropriate first aid arrangements and emergency procedures; when employee does not wish to undertake night work they may submit a medical report to indicate why they are not fit, which the employer is required to keep confidential; when the employee is not fit to undertake night time work, the employer is required to place employee in a similar position working normal working hours; provide access to adequate food services; employees are required to receive benefits such as transportation or transporting allowance and be compensated appropriately for undertaking such hours of work and receive the same rights and benefits as those undertaking normal working hours; no wage discrimination between night time employees and those who undertake working hours; and minimum rest periods of 12 hours between shifts and night time shift cycles.

COVID-19: Work from Home Procedures

Important Action by Regulatory Agency

Authors: Sara Khoja, Partner and Sarit Thomas, Attorney-at-Law - Clyde & Co.

In response to the COVID-19 outbreak, the Ministry of Human Resources and Social Development (MHRSD) instructed private sector establishments on March 18, 2020, to suspend work at their main offices and instead activate work from home procedures. They must also reduce the number of employees working in their branches, offices and other facilities to a maximum of 40% of the total headquarter (HQ) workforce. The work from home initiative was initially for 15 days, but is to continue until the Ministry of Interior and MHRSD advises otherwise. MHRSD has mandated that 14 days of paid leave (in addition to all usual leave entitlements under the labour law) must be granted to employees in categories, which are identified as high risk with regard to COVID-19. These include those with autoimmune disease, cancer, respiratory illness, chronic illnesses and pregnant women or breastfeeding women as well as employees aged 55 and above. Such employees are not obliged to work from home. The following sectors are exempt: vital infrastructure sectors and companies involved in food, medicine, and their supply chains. Any employer wishing to be exempt from the suspension must apply to the MHRSD for registration of the exemption. Those sectors still operating work places (i.e., branches, offices and other facilities, other than HQs) must comply with the mandated requirements, such as only 40% of the workforce may work on its premises and employers must require all employees to disclose if they exhibit symptoms of COVID-19.

COVID-19: Mandated Daily Curfew

Important Action by Regulatory Agency

Authors: Sara Khoja, Partner and Sarit Thomas, Attorney-at-Law - Clyde & Co.

On the March 23, 2020, the KSA authorities issued a mandate imposing a daily curfew for 21 days in response to the COVID-19 outbreak. The curfew prohibits people in KSA from leaving their homes between the hours of 7 p.m. and 6 a.m. The following sectors are excluded from the curfew: food, healthcare, media, transportation, ecommerce activities, accommodation services, energy, financial services and insurance, internet and communication network operators, and water.

COVID-19: Automatic Iqama Extension

Important Action by Regulatory Agency

Authors: Sara Khoja, Partner and Sarit Thomas, Attorney-at-Law - Clyde & Co.

Due to the COVID-19 outbreak, all government agencies are currently closed. As a result, the Ministry of Human Resources and Social Development stated that foreign nationals whose work permit/Iqama expired, or are due to expire before June 30, 2020, will be exempt from expat levy fees and will be granted a three month extension without charge.

Singapore

Managing Excess Manpower and Responsible Retrenchment in View of COVID-19

New Regulation or Official Guidance

Author: Benjamin Gaw, Director - Drew & Napier LLC

The tripartite partners - the Ministry of Manpower (MOM), the National Trades Union Congress (NTUC), and the Singapore National Employers Federation (SNEF) - have jointly updated the Tripartite Advisory on Managing Excess Manpower and Responsible Retrenchment in view of the evolving COVID-19 situation to provide clearer guidance to affected employers on the appropriate measures to manage excess manpower. These include: (a) implementing a flexible work schedule, where employers can consider reducing weekly working hours, thereby creating a "time bank" of unused working hours which can then be used to offset the increase in working hours in subsequent periods; and (b) and focusing on training and upskilling, where employers can tap on training support schemes under the SkillsFuture movement, redeployment programs under the Adapt and Grow initiative, and other government grants. As of March 12, 2020, employers registered in Singapore and with at least 10 employees are required to notify the MOM within a week if they implement any cost-saving measures, which affect the employees' monthly salaries, and indicate that they have done so fairly.

Employees' Nonessential Travel in View of COVID-19

New Regulation or Official Guidance

Author: Benjamin Gaw, Director - Drew & Napier LLC

On March 16, 2020, the tripartite partners – the MOM, the NTUC and the SNEF – issued the Advisory for Employers on Employees' Non-Essential Travel in response to Updated Travel Advisory (COVID-19), which has since been updated as of March 20, 2020. The Advisory seeks to guide employers on setting clear HR policies with regard to the treatment of employees who travel outside Singapore during this period of pandemic whether it is for work or otherwise. The Advisory states that broadly, such HR policies could include any company-imposed leave of absence from work, not exceeding 14 days, upon the employee's return. Unionized companies should consult the unions when developing the HR policies. Employers must communicate and explain the HR policies to their employees before implementing them.

Workplace Measures in View of COVID-19

New Regulation or Official Guidance

Author: Benjamin Gaw, Director - Drew & Napier LLC

The tripartite partners – the MOM, the NTUC and the SNEF – issued the General Advisory for Workplace Measures, to guide employers to continue running their operations while minimizing risks of community spread of the COVID-19. The Advisory was last updated as of March 20, 2020. Among others, the Advisory states that employers should step up their Business Continuity Plans (BCPs) and prepare for widespread community transmission, and should take

certain measures to safeguard the well-being of their employees, particularly vulnerable employees. The Advisory also provides that prior to executing the BCPs, employers should clearly communicate and explain to employees the measures that are being implemented, as well as their roles and responsibilities. Where possible, unionized employers should engage their unions on their BCPs early to provide assurance to employees.

MOM Entry Approval and Stay-Home Notices Now Covers All New and Existing Work Pass Holders

New Regulation or Official Guidance

Author: Benjamin Gaw, Director - Drew & Napier LLC

Starting on March 20, 2020, 2359 hours, the MOM requires all new and existing work pass holders currently out of Singapore and In-Principle Approval holders who have yet to enter Singapore (including their dependents) to obtain the MOM's approval before commencing their journey to enter Singapore. All affected work pass holders will be placed on a mandatory 14-day Stay-Home Notice (SHN) upon entering Singapore. When making the application, employers will be required to declare to the MOM that they have made suitable arrangements for the affected employees and should inform the affected employees (including their dependents) not to make travel plans to Singapore until approval has been received from the MOM. Further, the MOM has stated that employers and work pass holders have a joint duty to ensure that the entry approval and SHN requirements are complied with, and that employers are responsible to ensure that their work pass holders on SHN can obtain meals and other daily essentials, and to make the necessary arrangements if the work pass holders are unable to make their own arrangements.

Singapore Government Announces Additional Support Measures

Proposed Bill or Initiative

Author: Benjamin Gaw, Director - Drew & Napier LLC

The Singapore government announced on March 26, 2020 that it will be implementing additional support measures for workers, businesses and households in light of the COVID-19 situation. In particular, the Jobs Support Scheme will be significantly enhanced and extended, to provide more impactful and sustained wage support, such that a total of S\$15.1 billion will be allocated to support more than 1.9 million local employees under the Jobs Support Scheme. Support for skills upgrading will also be enhanced, with: (a) enhanced training support to be extended to the arts and culture and land transport sectors, from April 1, 2020, and (b) 90% absentee payroll rates to be extended to all employers, so as to provide additional cash flow relief when they send their workers for training, from May 1, 2020.

Spain

COVID-19: Greater Flexibility for Temporary Redundancy Plans

New Legislation Enacted

Authors: Juan Bonilla, Partner and Jennifer Bel, Senior Knowledge Lawyer – Cuatrecasas

On March 14, 2020, the Spanish Government declared a state of emergency, resulting in businesses closing or drastically reducing their operations. Since March 30, any employees who do not provide essential services cannot go to work and must either work from home or receive a recoverable paid leave by the company. The government has facilitated simplified procedures for temporary redundancies for companies, both for force majeure and business-related reasons. Companies can be exempted, if requested, from paying social security contributions while the temporary redundancy plan, due to force majeure, is in force. These measures are subject to companies' commitment to maintain jobs for six months from the date the activity is resumed.

COVID-19: Protection of Employees

New Legislation Enacted

Authors: Juan Bonilla, Partner and Jennifer Bel, Senior Knowledge Lawyer – Cuatrecasas

A new law was enacted that prohibits terminations or dismissals based on force majeure and economic, technical, organizational, and production grounds arising from COVID-19. If there is no cause for termination unrelated to COVID-19, the termination will be declared contrary to law. Protections for temporary employees are also in place, so their contracts can be fully completed when the temporary redundancy is over. Unemployment benefits for employees affected by these plans will not count for purposes of later payment of the unemployment benefit. For employees who were still working on March 30, 2020, Royal Decree-Law 10/2020 approved a paid leave for non-essential activities until April 9, 2020 for employees who cannot go to their workplace. This paid leave does not apply to employees providing essential services; those affected by a temporary redundancy plan; those on temporary disability leave or parental leave; or those who are able to continue teleworking, among other exceptions.

Repeal of Fair Dismissal Based on Absenteeism

New Legislation Enacted

Authors: Juan Bonilla, Partner and Jennifer Bel, Senior Knowledge Lawyer – Cuatrecasas

On February 18, 2020, objective dismissal based on absenteeism has been repealed through Royal Decree-Law 4/2020, effective February 20, 2020. Under the repealed article, an employment contract could be legally terminated with a lower severance compensation, on the grounds of intermittent absences, even if justified, when the absences amount to certain percentages of the employee's working days within certain periods. To fight absenteeism, companies may still legally dismiss on disciplinary grounds, when employees reach an unjustified level of absenteeism established in the applicable collective bargaining agreement.

COVID-19: Health & Safety Measures and Data Privacy Provisions

New Regulation or Official Guidance

Authors: Juan Bonilla, Partner and Jennifer Bel, Senior Knowledge Lawyer – Cuatrecasas

The COVID-19 pandemic has led to multiple strict health and safety measures. An employee with a confirmed infection will be placed on temporary sick leave and not allowed to work. Employees susceptible to COVID-19 must contact the Health & Safety service to proceed with a medical exam; an employee's refusal to do so may constitute a labor offense. Employees suspected of infection must contact the health and safety services to activate the company's preventive protocol. Given that health data is highly sensitive, the employee must be informed of the treatment of his or her health data. If there are cases of contagion in the company, the preventive instructions established by the occupational risk prevention service must be complied with, to facilitate continuity of the business activities and the protection of the rest of the employees.

Mandatory Equality Plans for Companies with Over 150 Employees

Upcoming Deadline for Legal Compliance

Authors: Juan Bonilla, Partner and Jennifer Bel, Senior Knowledge Lawyer – Cuatrecasas

March 7, 2020 was the deadline for companies with a workforce between 150 and 250 employees to implement an equality plan. This measure currently affects all companies with over 150 employees; from March 7, 2021, the threshold will be 100. To negotiate the content of the equality plan, companies must prepare a diagnosis considering the items specified in Royal Decree-Law 6/2019. If a company fails to meet its obligations in this area, the Labor and

Social Security Inspectorate could issue an infringement report for a serious offense and the company may be banned from signing public contracts.

Sweden

Age Limit for State Income-Based Old-Age Pension Raised

New Legislation Enacted

Author: Anna Jerndorf, Partner - Advokatfirman Törngren Magnell KB

The Swedish Parliament approved a bill raising the age for state income-based old-age pension, from 61 to 62, effective January 1, 2020.

Proposed New Rules on Temporary Reduced Working Hours and Salary

Proposed Bill or Initiative

Author: Anna Jerndorf, Partner - Advokatfirman Törngren Magnell KB

On March 5, 2020, the Swedish Government proposed an extension of the law on state aid for work with temporary reduced working hours and salary (RWH), to open the possibility to provide state aid to employers who suffer from serious and temporary financial difficulties, which could not be foreseen or avoided, such as the COVID-19 pandemic. On March 16, 2020, a new proposal entails the State will take a greater part, up to three-quarters, of the costs for the RWH. Employer's costs for salaries can be reduced by half, while the employee receives more than 90 percent of his or her ordinary salary. The aim is to support employers who suffer from serious and temporary financial difficulties to retain their staff, so that they are able to quickly ramp up productivity again when the situation changes.

The Swedish State to Assume Employers' Responsibility for Sick Pay

Proposed Bill or Initiative

Author: Anna Jerndorf, Partner - Advokatfirman Törngren Magnell KB

The Swedish Government has proposed that the qualifying deduction (Sw. Karensavdrag) will not apply in cases where employees fall ill between March 11, 2020, to May 11, 2020. This means that employees and self-employed persons are entitled to sick pay from the first day of absence due to illness, and the State will bear the cost. It was proposed that the State also bear the cost for all sick pay during April and May 2020.

Temporary Reinforcement of Unemployment Insurance

Proposed Bill or Initiative

Author: Anna Jerndorf, Partner - Advokatfirman Törngren Magnell KB

On March 30, 2020, due to COVID-19, the Swedish Government proposed temporary reinforcement of unemployment insurance. The requirements concerning eligibility to receive money from an unemployment insurance fund will be temporarily relaxed. At the same time, it is proposed that both the highest and the lowest amounts paid out shall be raised temporarily to alleviate the economic impact on people who become unemployed. Further, it is proposed that the six initial qualifying days shall be removed and that the unemployment insurance funds shall receive funding for administration.

Switzerland

New Statute of Limitations: Personal Injury or Death Claims

New Legislation Enacted

Author: Ueli Sommer, Partner - Walder Wyss Ltd.

On January 1, 2020, a revised statute of limitations has come into force in Switzerland. While the limitation period for claims based on employment law generally has not changed (it still amounts to five or ten years depending on the specific grounds of the claim), in cases of death or bodily injury, the new article 128a of the Swiss Code of Obligations determines a deviating limitation period. Claims to damages and claims resulting from death or bodily injury now become barred by limitation three years from the moment in which the person suffering it has become aware of it (relative) and the latest, 20 years from the day, on which the harmful conduct took place (absolute). This new clause under the Code of Obligation would cover employees who many years later discover that their work environment damaged their health (e.g., employees exposed to ionizing radiation or asbestos victims).

Wage Equality: New Obligation to Perform Equality Analysis for Certain Employers

Upcoming Deadline for Legal Compliance

Author: Ueli Sommer, Partner - Walder Wyss Ltd.

On July 1, 2020, a law amendment on gender pay equality will become effective in Switzerland. Companies employing 100 or more employees will be obliged to conduct a so-called "internal analysis of wage equality." The analysis must be done for the year concerned, and must be implemented for the first time for the period between July 1, 2020, and June 30, 2021. If the employer is compliant with wage equality for the respective period (coefficient of wage difference not bigger than 5% for comparable employees amongst other factors), no further analysis is required. If the employer is noncompliant with the wage equality requirement based on the first analysis, the analysis must be repeated every four years. However, there are no stipulated penalties in case of a negative result or a company failing to perform the analysis at all. A negative outcome in the analysis, as well as not implementing the analysis at all, might have an impact in an individual wage discrimination lawsuit and could lead to bad publicity and reputation damages.

United Kingdom

Range of Employment Law Responses to COVID-19 Introduced

New Legislation Enacted

Authors: Ben Smith, Trainee Solicitor and Richard Harvey, Partner – Littler United Kingdom

Employment-related measures have been introduced in light of COVID-19. A new "furlough" scheme, where the government will reimburse 80% of employee monthly wage costs, as well as employer social security contributions and mandatory minimum pension contributions has been put in place. A Self-employment Income Support Scheme offering financial support for the self-employed has also been introduced. Changes to statutory sick pay (SSP) to widen eligibility to include those self-isolating make SSP available from day one of absence. Annual leave rules have also been relaxed, where employees are permitted to carry over up to four weeks of leave for two years if prevented from taking leave due to COVID-19. Immigration right to work checks have also been adjusted to allow employers to perform checks remotely.

Supreme Court Refused Permission to Appeal in Highly Anticipated Maternity Pay Discrimination Case

Precedential Decision by Judiciary or Regulatory Agency

Author: Raoul Parekh, Partner – Littler United Kingdom

In February 2020, the UK Supreme Court refused permission to appeal in a case involving alleged discrimination in relation to an employer's decision to offer enhanced maternity pay, but not enhanced paternity pay. An appeal to the Supreme Court would have offered some clarity to this area of the law. As a result, the Court of Appeal's earlier decision – that employers may offer only enhanced maternity pay and do not also have to offer shared parental pay, at least for the first 14 weeks of pregnancy – remains good law.

Court of Appeal Clarifies Circumstances When a One-off Decision Can Amount to Indirect Discrimination

Precedential Decision by Judiciary or Regulatory Agency

Authors: Dónall Breen, Associate and Richard Harvey, Partner – Littler United Kingdom

On February 7, 2020, the UK Court of Appeal considered whether a one-off action could amount to the "provision, criterion or practice" (PCP). Showing a PCP is a prerequisite to bringing a claim for both failure to make reasonable adjustments and indirect discrimination. The court found that a one-off decision could be a PCP, but only where there was evidence that the same (or similar) decision would be applied to similar cases in the future. In the present case, the claimant employee argued that the employer's requirement that he return to work prior to the conclusion of a grievance investigation was a PCP. The court rejected this argument, noting that there was no implication such a decision was intended to be a policy for deciding similar cases in the future.

Details of Parental Bereavement Leave and Pay Published

New Regulation or Official Guidance

Author: Caroline Baker, Partner – Littler United Kingdom

On March 9, 2020, regulations setting out the detailed provisions of parental leave and pay were published. Two weeks of parental bereavement leave is available starting April 6, 2020, to all employees. It applies to the death of a child under 18 and loss of pregnancy after week 24, and uses an expansive definition of "parent." Leave must be taken within 56 weeks of the bereavement and consists of two full weeks, which can be taken as either separate blocks of a week or one consecutive two-week period. Parental bereavement pay is available to all employees after six months' continuous service and who reach a minimum earnings threshold of £120 per week. Pay is £151.20 per week, though employers can choose to offer enhanced pay.

COVID-19: IR35 Tax Reform and Gender Pay Gap Reporting Postponed

New Regulation or Official Guidance

Author: Darren Isaacs, Partner – Littler United Kingdom

In response to the COVID-19 pandemic, the government announced in March 2020 that the planned expansion of the reforms to the IR35 off-payroll working tax rules to the private sector, effective on April 6, 2020, have been postponed until April 6, 2021. Enforcement of the gender pay gap reporting regulations were postponed in relation to the publication of 2019-2020 data. Employers are not expected to publish their gender pay gap data this year, although they are free to do so. The gender pay gap reporting regime will operate as normal in 2021, with data to be published in April 2021.

United States

CARES Act: Implications for Employers

New Legislation Enacted

Authors: Michael Lotito, James Paretto, and Kathryn McConnell, Shareholders – Littler United States

The Coronavirus Aid, Relief and Economic Security (CARES) was enacted on Friday, March 27, 2020. The CARES Act creates a half-dozen new programs to help distressed businesses and workers deal with COVID-19 and related shutdowns. These programs include forgivable loans, tax credits, and expanded unemployment insurance. This Littler article – which discusses the “Paycheck Protection Program” and other related programs, including for direct lending for U.S. businesses, employee retention tax credit, deferral of payroll taxes, expanded unemployment insurance, and immediate tax credits for FFCRA leave – is available at littler.com, under the same title.

COVID-19 Resources for Employers

New Legislation Enacted

Author: Peter Susser, Shareholder – Littler United States

Due to the COVID-19 outbreak, the federal government, as well as governments at the state and local levels, have enacted various laws and/or issued multiple decrees, impacting employers, employees, and the workplace. Because the COVID-19 situation is dynamic, with new governmental measures each day, employers should consult with counsel for the latest developments and updated guidance for their particular questions. Littler has published numerous articles, addressing related concerns, by topic, industry, and geographic region, for employers to identify issues and weigh their options. Littler’s “Coronavirus (COVID-19) Resources for Employers” page is available at littler.com/coronavirus.

DOL Issues Third Batch of Families First Coronavirus Response Act Q&As and Revises Prior Guidance

New Regulation or Official Guidance

Authors: Alexis Knapp, Shareholder, Jeff Nowak, Shareholder and Sebastian Chilco, Knowledge Management Counsel – Littler United States

On March 28, 2020, the U.S. Department of Labor (DOL) released its third batch of Q&As (#38-59) concerning the federal Families First Coronavirus Response Act (FFCRA). Effective April 1, 2020, the FFCRA will require private employers with 499 or fewer employees, and certain public employers, to provide covered employees emergency paid sick leave (EPSL) and emergency unpaid and paid family leave (FMLA+). Additionally, the DOL made some notable revisions and clarifications to previously issued Q&As (#1-37). This article – which was published on littler.com under the same title – is available on Littler’s “Coronavirus (COVID-19) Resources for Employers” page at littler.com/coronavirus.

Frequently Asked Questions on Workplace Privacy and COVID-19

New Regulation or Official Guidance

Authors: Philip Gordon, Kwabena Appenteng and Zoe Argento, Shareholders – Littler United States

As COVID-19 continues to spread throughout the United States, employers that currently have employees reporting into their facility each day are being forced to consider stringent measures to protect the health and safety of their workforce. Medical information questionnaires, temperature screenings, self-reporting obligations, and even medical examinations are some of the measures being considered by employers as ways to prevent COVID-19 from entering into the workplace. However, even during this critical time employers cannot ignore the privacy risks associated with

collecting medical information under state and federal law. This article, published on littler.com under the same title, provides answers to frequently asked questions about an employer's privacy obligations during this time.

Littler COVID-19 Flash Survey Report

Trend

Authors: Alka Ramchandani-Raj, Of Counsel, Bradford Hammock, Shareholder and Melissa K. Peters, Special Counsel – Littler United States

The novel coronavirus (COVID-19) has created a host of challenges for employers while accelerating fundamental shifts already underway in the workplace. As the pandemic's many lasting implications for the workplace and the way we work begin to emerge, Littler surveyed more than 900 employers, based in North America and with operations around the world, on their concerns and the actions they have taken in response. The survey results reveal employers navigating far-ranging and thorny challenges – from operational considerations related to closures and staffing shortages to keeping employees safe and managing morale to making tough decisions related to compensation and providing leave to those unable to work. The "Littler COVID-19 Flash Survey Report" is available on Littler's "Coronavirus (COVID-19) Resources for Employers" page at littler.com/coronavirus.

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