



COVID-19 AN EMPLOYER'S GUIDE

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COVID-19: AN EMPLOYER'S GUIDE

COVID-19, the infectious disease caused by the novel corona virus “SARS-CoV-2” was first identified in China in December of 2019. Since then COVID-19 has spread widely across the globe, forcing the World Health Organization (WHO) to declare it as pandemic on the 11th of March 2020.

The first confirmed case of COVID-19 was officially identified in Cyprus on the 9th of March 2020, causing grave concern and wreaking havoc on every-day life on the island, as the country came face to face with an unprecedented life threatening and changing reality. Since then, the Cyprus government has taken a series of drastic measures in an effort to prevent the spread of the disease, which includes compulsory quarantine for people who travelled to high risk countries, closing down schools and certain businesses, as well as banning all flights from abroad.

Aware of the potential impact on businesses and the fragile economy of the country, which is almost entirely dependent on its services and tourism sectors, the government issued a number of instructions and guidelines and introduced a number of social measures aimed at shielding local businesses and employees in these uncertain times,¹. The Cyprus Employers and Industrialist Federation (OEB) has also issued helpful guidance for businesses and employees based on the government's decisions, in the form of circulars currently available on its website².

Due to the novel and emergency character of these measures, many employers and employees are still struggling to cope with, and understand their respective rights and obligations, which result from these measures.

The purpose of this Guide is to assist employers to understand their obligations and the measures they need to implement to comply with their legal obligations and the instructions issued by the Cyprus government in response to the COV-19 pandemic.

EMPLOYER OBLIGATIONS

Employers in Cyprus are under a general statutory obligation to ensure the safety, health and prosperity at work of all their employees. This obligation includes, inter alia, the provision by the employer of such information, directions, training and supervision to ensure the safety and health of their employees.

The Ministry of Health of the Republic of Cyprus has issued a number of instructions as well as informative leaflets and posters about the symptoms of COVID-19, with recommendations on preventive measures that need to be followed by every person in order to ensure the safety of themselves and of others around them³.

As a preventive measure to ensure the health and safety of its employees the employer should:

- Circulate the leaflets to all employees;

¹ <https://www.pio.gov.cy/coronavirus/press.html>

² <http://www.oeb.org.cy/covid-19/>

³ <https://www.pio.gov.cy/coronavirus/info.html>



- Print and place the posters prominently in the workplace;
- Provide access to alcohol-based hand sanitizer, water, soap, disposable towels, etc;
- Ensure immediate access to the workplace of adequate consumables for preventing infections such as thermometers, simple surgical masks, disposable gloves, garbage bags, surface cleaning liquids;
- Avoid overcrowding (1 person per 8 sqm. present at any given time, including employees);
- Keep employees informed and updated on the progress of the disease and any new preventive and protective measures which need to be taken;
- Ensure the regular cleaning and disinfection of surfaces, knobs and work benches;
- Ensure good and frequent ventilation of the workplace;
- Take into consideration any employees requiring special attention;
- Keep up to date with all instructions issued from time to time by the government.

According to the instructions issued by the Ministry of Health, employers must take action to protect their employees depending on the category into which an incident may fall.

These categories are as follows:

1. Where there is a suspected coronavirus case at work (i.e. an employee displaying symptoms, for whom there is reasonable suspicion that he/she has come in contact with a confirmed case). In this category the employer must:
 - Isolate the employee in a place where other employees do not have access;
 - Call 1420 immediately (trained personnel will arrive to examine and evaluate the seriousness of the situation and determine the next steps);
 - Require all other employees who have been in close contact with the employee concerned to also remain confined at the workplace and await instructions given by the relevant authorities;
 - Prohibit access to places where the affected employee works or systematically attends (e.g. employee's office, sanitary facilities, meeting rooms). These areas, surfaces and floors, should be disinfected in accordance with the "Disinfection Instructions" issued by the Ministry of Health. Once the areas have been disinfected, they can be reused immediately.
2. Where a person in the workplace has been in close contact with a confirmed coronavirus case but has no symptoms.

In this case the employer must send the employee home under confinement and call 1420 for further instructions.
3. Where a person in the workplace has been in close contact with a coronavirus case under investigation, and:
 - Has displayed symptoms: the employer must require the employee to call 1420 and follow instructions. If the instructions are to stay confined at home, the employee should be sent home immediately.



- Has not displayed symptoms: the employer must require the employee to stay at home and monitor his/her own progress.

4. Any other special case:

The employer and the employee should consult each other in the spirit of goodwill and cooperation, as required in the context of the employment relationship and the country's culture, and find a mutually acceptable solution as to what measures should be taken. This solution must take into account the health and safety of the relevant employee and all other employees as a first and foremost priority. The employer may require the employee to stay at home if this is considered necessary.

SOCIAL MEASURES

In addition to the preventive and protective measures announced in the context of health and safety at work, a package of social measures was recently announced by the government, aimed towards financially supporting business and the workforce, with effect until the 30th of April 2020⁴. At this time, these measures and the relevant procedures are subject to clarifications and, to a certain extent, legislative implementation (enactment). It should also be noted that the measures are subject to changes and extensions.

Due to the exceptional circumstances and the urgent character of these measures, inevitably questions arise as to how employers should treat employees who fall within any of the categories below to which these measures apply, as regards their absence from work.

1. Vulnerable Groups:

Individuals who fall within one of the high risk groups⁵ (i.e. over the age of 60 and people with health issues and certain chronic medical conditions) should be given the opportunity to work from home or, if this is not possible, take all necessary protective measures at work. A doctor's certificate should be presented as evidence of the condition and, if considered necessary, the employer may require the individual to stay at home.

Individuals who are required to stay at home can claim sick leave benefit from Social Insurance.

2. Parents with children up to 15 years old who work in the private sector:

Special Leave up to 4 weeks (excluding non-working days). A special benefit is available for this type of leave. The benefit applies only to employees with a salary of up to €2.500, as follows: 60% of the employee's salary for the first €1.000 and 40% for the remaining amount.

⁴ https://www.pio.gov.cy/coronavirus/press/15032020_11.pdf

⁵ https://www.pio.gov.cy/coronavirus/press/16032020_7.pdf



Special leave may be taken by either parent (but not by both at the same time), in tranches or as a whole, provided the nature of their work does not allow remote working or working on a flexible timetable and, there is no other help from home (grandparents excluded).

3. People who are on compulsory absence from work for quarantine by instructions or orders of the Authorities:

Sick leave in accordance with Social Insurance Law (upon presentation of certificate issued by the Ministry of Health).

4. Persons over the age of 63 up to the age of 65 who do not receive statutory pension, on compulsory absence from work for quarantine by instructions or orders of the Authorities, provided they hold a certificate issued by the Ministry of Health:

Sick leave in accordance with Social Insurance Law (upon presentation of certificate issued by the Ministry of Health).

5. People who came into contact with people with “possible, confirmed or suspicious cases” (in accordance with the guidelines issued by ECDC);

- People with Symptoms:

Sick Leave in accordance with Social Insurance Law.

- People with no symptoms who stay home as a precautionary measure:

Annual leave or any other arrangement with employer (i.e. working from home)

6. Any other category:

Subject to mutual agreement between employers and employees (in the spirit of goodwill and cooperation, as required by labor law ethics and culture): Annual leave, unpaid or partially paid leave, remote working from home, etc.

7. Business Support Plans:

In addition to introducing the above measures, the Cypriot government has also introduced two special plans aimed at avoiding layoffs and helping preserve job positions as far as possible, offering an alternative to employers who may be considering redundancies as a measure of dealing with the negative effect of COVID-19 on their business.

At the moment, the special plans announced by the government are as follows:

- A "Business Suspension Plan" applies to those businesses that are currently required to suspend their operations and those that continue to operate with a reduction in turnover of more than 25%, in order to avoid layoffs. Affected employees will receive unemployment allowance for as long as the operations are suspended. The 25% decrease in turnover will be



compared to the same period last year (to be certified by the company's auditors). Businesses will be able to temporarily suspend part of their staff without having to suspend their operations completely.

- A "€10m Small Business Support Plan" for businesses that employ up to 5 people, provided they keep their employees on the job and have reduced their turnover by more than 25%. The plan provides for a subsidy of 70% of employees' payroll costs. The terms and conditions of the Scheme will be announced soon.

This Guide is merely informative and is based on Ministerial orders, circulars and guidelines issued at the time of its publication. It does not represent an exhaustive list of all government measures and regulations on this matter and is not intended as legal advice in relation to any particular case.

For any further information or assistance with these, or your other fast-changing regulatory and legal obligations and requirements during these difficult times please contact Nicholas Ktenas, or your usual contact at Elias Neocleous & Co LLC, or the LegalTaskForce2020@neo.law.

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