

What are an employer's obligations from a health and safety perspective in relation to their staff?

The employer is obliged to ensure employees' occupational health and safety. According to the Slovak Health and Safety Act, employers are obliged to apply general prevention rules when implementing measures necessary for ensuring occupational health and safety, including the provision of information, education and the organisation of work and resources.

In order to ensure occupational health and safety at work, the employer must take adequate and necessary measures. This includes taking precautions necessary to control the spread of COVID-19 (coronavirus) at the workplace. Given the nature of the coronavirus, prevention is essential. Therefore, the easiest way to mitigate the coronavirus hazard is to inform and educate employees about the virus, its symptoms and prevention.

The employer can (i) **enhance hygiene at the workplace** (ensure hand hygiene supplies are available, clean and disinfect frequently-touched surfaces daily, provide additional protective equipment such as protective masks or respirators); (ii) **encourage personal protective measures among employees** (limit large work-related gatherings or in-person meetings, limit business related travel, consider the scope for remote working and regular health checking, require employees to stay home in case of symptoms of illness); (iii) **inform employees of relevant information introduced by governmental and public authorities** (Central Emergency Staff of the Slovak Republic, Public Health Authority of the Slovak Republic, Ministry of Interior of the Slovak Republic).

Should employers place restrictions on their staff in terms of work-related international travel?

In general, the employer may send an employee on business-related travel for a necessary period of time only if an employee agrees with it or if the possibility of being sent on business-related travel is agreed in the employment contract.

Due to incidents of the coronavirus around the world, the Ministry of Foreign and European Affairs of the Slovak Republic (Ministry of Foreign Affairs) issued a recommendation to reconsider travel to the countries where the coronavirus is particularly prevalent. Although these governmental recommendations are not legally binding and it is still possible to send employees abroad (subject always to the employee's consent), employers should avoid sending employees to high-risk areas where possible. When business travel is considered unavoidable, employers should take into account all possible measures against the coronavirus and how these can affect the employee on their travel and return (e.g. mandatory quarantine).

In what circumstances are employees required to self-isolate/stay away from work?

Because this may change on a daily basis, employers are advised to always check the latest advice.

Only the Public Health Authority may order quarantine. Therefore, neither the employer nor a general doctor can do so. As of 13 March 2020, the Public Health Authority adopted certain measures, including mandatory quarantine. **Everyone returning to the Slovak Republic from abroad and those living with them in common households** are obliged to remain **in quarantine for 14 days**. Immediately after returning, they are obliged to notify their general doctor by phone or email. The doctor will certify them as temporarily incapacitated for work. Breach of mandatory quarantine is punishable by a fine of up to €1,659.

Mandatory quarantine does not apply for certain categories of employees, e.g. drivers of freight services, train drivers entering the territory of the Slovak Republic for the purpose of transporting, loading and unloading goods, pilots of cargo planes, etc.

Where an employee returned before 13 March 2020, they are not obliged to follow the mandatory quarantine rules. Irrespective of that, they should closely monitor their health for at least 14 days afterwards and, if there are any respiratory symptoms, should call their general doctor without any delay. Should the employee test positive for coronavirus, they will be certified as incapable of work and quarantined.

Taking into consideration the incubation period of COVID-19, the employer may adopt precautionary measures in order to protect health and safety at its workplace:

- Agree with an employee on remote working (**home office**), if possible. Under Slovak Labour Law, the employer cannot force its employees to work from home.
- Agree with an employee on taking **holiday**, if possible (in general, the employer will be not allowed to order short-notice holiday unilaterally, as it is obliged to inform the employee of the scheduled holiday at least two weeks ahead).
- Grant leave with wage compensation, which the employee will then work over time.
- Not assign work to any “risk employee” (for reasons attributable to the employer). The employer may prevent a “risk employee” from performing work at the workplace even if they are not displaying any symptoms (e.g. fever, cough, difficulty breathing, muscle pain, headache, fatigue) at the time.

Do employers have to pay an employee if they self-isolate?

Where an employee is in mandatory quarantine or has been positively tested for coronavirus, they are entitled to **standard sick pay**. Such payment is provided by the employer (i) for the first three days not worked in the amount of 25% of their daily assessment base; (ii) from day four to day 10 in the amount of 55% of their daily assessment base. Should the incapability for work exceed 10 days, Social Insurance Company will pay from day 11 until week 52 at 55% of their daily assessment base.

If the employer agreed with the employee on remote working, they are entitled to full wages or salary for that period.

If the employer bans a “risk employee” from coming to work to prevent possible spread of the coronavirus, the employer is obliged to provide the employee with full pay.

How should employers deal with a member of staff who refuses to come to work because they are concerned about the risk of infection?

If there is **no immediate threat to the life or health** of the employee (especially if there have been no cases in their specific workplace), the employee is obliged to perform the work. If the employee did not come to work or otherwise justify their absence, this would result in a breach of the employee’s basic duty – to be at the workplace at the beginning of working hours, to use working hours for work and to leave after working hours – and, therefore, to unexcused absence. It is worth noting that repeated unjustifiable absence from work may be considered a serious breach of discipline which entitles the employer to terminate the employment with immediate effect.

<p>If staff say they want to wear facemasks at work, are employers entitled to say no?</p>	<p>In light of the current pandemic situation in the Slovak Republic, it is unlikely to be reasonable for an employer to ban the wearing of facemasks, especially if some of the employees may be at greater risk of developing the coronavirus through their age or pre-existing health conditions. The employers should take steps and understand an employee's concerns before taking action. Therefore, employees who wish to do so should be allowed to wear facemasks.</p>
<p>What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?</p>	<p>The Slovak authorities have not provided employers with any instructions or recommendations on how to proceed if coronavirus cases are confirmed at the workplace, especially where there are high concentrations of employees and/or where remote working cannot be effective.</p> <p>Employers should follow best practice guidance against the spread of the virus. It is recommended that they identify other employees who have been in contact with the infected one and encourage them to self-isolate by remote working or holiday. Employers can consider additional precautions, such as the reduction of social contact at the workplace (e.g. limit in-person meetings, reduce concentration of employees in the canteen during the lunch break), disinfection and "deep clean" of affected workplace areas, and preparation of a comprehensive contingency plan for all foreseeable future scenarios in advance. Additionally, the employer can consider regular health checks (e.g. temperature and respiratory symptom screening) under certain conditions.</p> <p>The Public Health Authority or regional health authorities will undertake the risk assessment and impose the appropriate measures. In the worst-case scenario, they can, for example, order deep cleaning and decontamination of terrain, buildings, materials and means of transport, or prohibit or restrict the operation of facilities in which people are gathered.</p>
<p>If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off staff in these circumstances? Are they obliged to continue to pay them?</p>	<p>If the situation worsens and the employer decides to close its operation, such situation will be considered as a business-related reason and the employee would be entitled to reimbursement of their average monthly earnings.</p> <p>Where the employer has defined in a written agreement with the employee representatives serious operational reasons for which the employer is unable to assign work to an employee, this would count as a reason attributable to the employer and the employee would be entitled to wage compensation in the amount determined in the agreement, which shall be no less than 60% of their average earnings.</p>

Measures to prevent the spread of coronavirus in the Slovak Republic

On 11 March 2020, the Slovak Republic declared an “extraordinary situation” in the territory of the Slovak Republic, with the effective date as of 12 March 2020.

The Slovak authorities adopted the following precautionary measures in relation to COVID-19:

(i) As of 13 March 2020:

- Closure of all international airports (Bratislava, Košice, Poprad) in the Slovak Republic
- Closure of bars, leisure facilities and premises (ski centers, wellness centers, fitness centers, amusement parks and aqua parks)
- Limitation of customer centres’ opening hours
- Prohibition of visits in hospitals
- Prohibition of sporting, cultural, social and other mass events
- Closure of schools, educational establishments, social and culture establishments for 14 days (from 16 March)
- Introduction of medical checks on borders with only certain border crossings being open and Slovak nationals and residents being permitted entry

(ii) As of 16 March 2020:

- Closure of small retail shops and service providers, with the exception of grocery shops, pharmacies, chemists, petrol stations, newsagents, veterinary ambulances, shops selling animal food, mobile phone operator’s stores, banks and post offices, e-shops and delivery services
- Limitation of operation of full service and fast food restaurants – they can be open, but only for take away or delivery

The Ministry of Transport and Construction of the Slovak Republic adopted additional measures for international transport.

Railway and Bus Transport

- International trains and bus transport ceased to operate as of 13 March. Truck Transport of Goods
- Freight transport is permitted for domestic, as well as international routes to provide supplying services. Truck drivers must be equipped with protective equipment.

Maritime Transport

- Passenger cruise vessels have not been allowed to enter a harbour in the Slovak Republic since 13 March. They can still sail through the territory without stopping.

Key websites/sources of guidance

[Ministry of Foreign and European Affairs of the Slovak Republic](#)

[Ministry of Health of the Slovak Republic](#)

[Public Health Authority of the Slovak Republic](#)

