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What Have We Learned from the Global Pandemic? Navigating Upcoming Workplace Changes Due to COVID-19

SUPPLEMENTAL MATERIALS

Thursday, October 8, 2020

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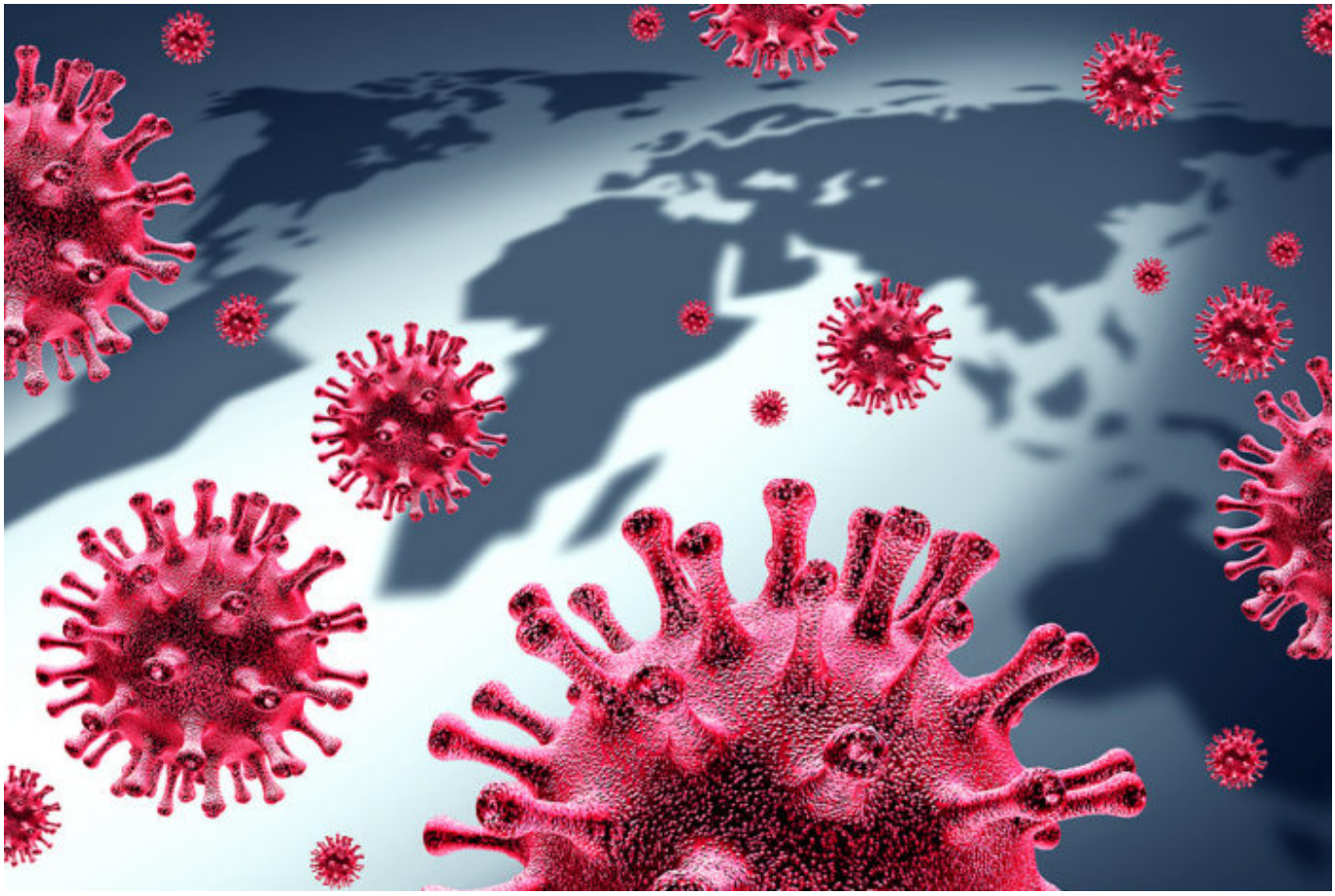
International Workforce Management in the Era of COVID-19

By ERIKA COLLINS and RYAN H. HUTZLER SEPTEMBER 3, 2020



The COVID-19 pandemic has altered the international workplace and international employer-employee relations in profound ways. As employees now work from home in significant numbers around the globe, multinational employers suddenly have been confronted with managing issues that they may not have previously prioritized. This is especially challenging for multinational employers that might wish to implement uniform global policies and practices — if not for varying local protocols and guidance.

While some countries remain locked down, at least to some degree, many others have initiated progressive measures to reopen businesses and return employees to the workplace. Although there are no one-size-fits-all policies or practices when managing an international workforce, multinational employers that are preparing for employees to return to the workplace should be prepared to:

- Implement new practices and protocols to maintain a safe work environment
- Consider remote work options and business travel restrictions
- Manage employee-relations issues when individuals refuse to return to the workplace

Health and Safety Compliance

Certain countries also require that employers prepare safety plans that detail specifically what and how COVID-19-specific health and safety measures will be implemented. Ireland, Luxembourg, Spain, and the United Kingdom, for example, each require companies to prepare such a document. Yet even in other jurisdictions, like France and Germany, that do not require a safety plan, it's a good idea to have such a plan. Although different nations require different measures and protocols as part of a safety plan, it should generally include the following:

- Safety preventive measures, including social distancing, sanitary gel stations, and recommending (or requiring) the use of face coverings
- Seating to observe social distancing requirements
- Entrance and exit routes specific to each office
- Capacity limits for elevators, stairs, restrooms, and other public areas (meeting rooms, etc.)
- Procedures to disinfect the workplace
- Protocol for handling employees who develop COVID-19 symptoms

Note that safety plans may refer to office buildings' general COVID-19 guidelines, should such a document exist. It is likely that newer office buildings may be more progressive in preparing such guidelines and more active in communicating measures.

Importantly, safety plans are not a "check the box" exercise. Developing such plans should be a meaningful initiative to educate and protect both employees and the company.

Travel Considerations

While numerous countries' reopening plans include loosening restrictions on local travel, many employees, particularly those who commute via mass transit, may be wary of returning to the office. Where employees are hesitant to return to the office, multinational employers must be mindful of local regulations and guidance before requiring or recommending employees to come back to the workplace.

Some countries, such as New Zealand, have been more successful in reducing the transmission of COVID-19, such that employers may require employees to return to the office. Similarly, in South

Korea, where except in very limited circumstances, there have not been any legally mandated shutdowns, employees have continued working in the office. Even in countries, such as Brazil and India, that generally allow employers to require people to return to the workplace, regional and/or city-specific quarantine or lockdown rules may nonetheless restrict or limit the number of employees who may work in the office.

Further complicating matters, Mexico determines the COVID-19 level of alert on a weekly basis, which affects whether employees may come to work. In such cases, as a practical matter, where workable, it may be best for employers to accommodate employees' desire to work remotely.

In addition, several jurisdictions are prohibiting international visitors and may require immediate COVID-19 testing or quarantine upon arrival. Hence, it may be worth limiting employees' non-essential business travels. Although generally there is no clear definition of "essential travel," employers may consider restricting travel to countries that have been deemed "high-risk" by in-country foreign affairs or health authorities.

Refusal to Return to Work

As a best practice, companies should evaluate instances when employees refuse to come back to the workplace on a case-by-case basis. They should consider whether an employee's desire is based upon personal preferences, government recommendations, and/or information from healthcare providers. Companies should also assess whether employees' essential job functions require working onsite.

As a best practice in most jurisdictions, if employees' jobs allow them to work remotely, employers should accommodate (and/or continue to accommodate) requests. Governments in countries like South Korea, where shutdowns have not been made mandatory, already encourage this.

In some countries, like Mexico, although accommodating remote work may be preferable, there is no legal obligation requiring employers to accommodate a desire to work remotely. There certainly are exceptions to this general rule, like in New Zealand, where employers only must accommodate remote work requests that are fair and reasonable. Or take Germany, where employers make decisions on a case-by-case basis because there is no entitlement allowing employees to work remotely.

A final consideration is that many countries, again like Germany, are limiting the number of people present at the same time in the office, rotating workers in and out.

Meanwhile, employers in all countries should consider disciplinary procedures if employees refuse to return to work. Depending on local law, as well as specific company culture, immediate termination is likely too harsh a response. Absent a medical condition or disability that may prevent people from returning to the office, progressive discipline, where employees first receive warnings followed by suspensions prior to dismissal, may be more suitable. Even in countries where governments have been more effective in containing the spread of COVID-19, such as New Zealand and South Korea, employment termination should be a last resort.

Also, certain countries may require or recommend different practices and procedures depending upon where people live. In India, for example, workers who live in a containment zone (i.e., where

individuals' movements are restricted and employers may not take disciplinary action against employees) must be treated differently than those outside that zone.

Employee Buy-In

Finally, it will behoove multinational employers to lay the groundwork for employee buy-in before implementing changes. Around the world, employers must be transparent regarding the risks that employees may encounter upon returning to the workplace. Employers should train and educate employees accordingly. Straightforward, empathetic and honest communications with employees can ease employee relations concerns. Continual communication with employees, employee representatives, and works councils will be paramount to help ensure:

- Successful implementation of measures and ultimate safety of employees
- Reduced risk of legal action
- Employee morale is not negatively impacted

The pandemic will continue to ignore international borders and create a worldwide health and financial crisis. Managing a global problem, however, depends heavily on local actions.

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ACT NOW ADVISORY

Virginia Adopts Workplace Safety and Health Standards for COVID-19

July 28, 2020

By Nathaniel M. Glasser, Garen E. Dodge, and Robert J. O'Hara

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Virginia has become the first state in the nation to implement workplace safety and health standards for COVID-19. On July 15, 2020, the state Safety and Health Codes Board adopted § 16VAC25-220, an "Emergency Temporary Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19" (the "Temporary Standard"). The Temporary Standard is designed to supplement and enhance existing Virginia Occupational Safety and Health ("VOSH") laws, rules, and regulations that may apply to the prevention and control of COVID-19 in the workplace. Virginia initiated these standards because the Occupational Safety and Health Administration ("OSHA"), the federal agency responsible for workplace safety, has thus far refused to make its own extensive recommendations mandatory. Not surprisingly, the Virginia standards borrow heavily from existing OSHA guidance in most areas.

Under the Temporary Standard, Virginia employers are required to assess their workplaces for hazards that could expose employees to COVID-19; categorize their job functions into those that constitute very high, high, medium, or lower risk of exposure; and create policies and procedures that (i) address employees who have symptoms of or test positive for COVID-19, and (ii) provide for physical distancing in the workplace and cleaning and sanitizing of the workplace. Many employers also will be required to create an infectious disease preparedness and response plan, and train their employees on safety procedures.

The Temporary Standard went into effect on July 27, 2020, and will expire on the earlier of six months from that date, upon expiration of Virginia's State of Emergency, or when superseded by a permanent standard, unless repealed by the Safety and Health Codes Board. Employers must meet the Temporary Standard's training requirements by August 26, 2020, and have required infectious disease preparedness and response plans in place by September 25, 2020.

Mandatory Requirements for All Employers

Physical Workspace

Employers must take precautions to protect employees within the physical workplace, including taking steps to ensure physical distancing (at least six feet) between employees. Employers should develop policies and procedures to decrease work density, use signs

and announcements to promote physical distancing, and follow Governor Northam's executive orders on occupancy limits.

Employers should close or, if that is not possible, control access to, common areas, breakrooms, lunchrooms, and similar spaces. They should post signs limiting occupancy of these spaces, enforce occupancy limits, and regularly clean and disinfect common surfaces.

Employers must continue to comply with the VOSH sanitation standards applicable to their industry. In addition, employers must immediately clean and disinfect surfaces in locations where employees interact with customers, consultants, members of the public, or other third parties. At a minimum, common areas should be cleaned and disinfected at the end of each shift, and employees should have ready access to cleaners and disinfectants, as well as handwashing stations or hand sanitizer.

Employees with COVID-19

All employers must develop policies and procedures to allow employees to report symptoms of COVID-19. Employees known or suspected to be infected with COVID-19 must be barred from the workplace.

What happens if an employee tests positive for COVID-19? While an employer does not have to conduct contact tracing, it does have notification requirements. The employer must notify: (a) within 24 hours of discovery of possible exposure, employees who may have been exposed; (b) other employers whose employees were present at the worksite within 14 days since the positive test; (c) the building or facility owner; (d) within 24 hours of the identification of the positive case, the Virginia Department of Health; and (e) the Virginia Department of Labor and Industry ("VDOLI"), if three or more employees test positive within a 14-day period. Notifications to other employees, other employers, and building or facility owners must be done in a way that maintains confidentiality of the identity of the person known to be infected with COVID-19.

Employers must have policies and procedures to permit the return to work of employees known or suspected to be infected with COVID-19. In order for such a person to return to work, employers must adopt a symptom-based or test-based strategy to return to work employees with symptoms of COVID-19, and a time-based or test-based strategy for asymptomatic employees. Under the symptom-based strategy, an employee may return to work if at least three days (72 hours) have passed since recovery, plus at least 10 days have passed since the symptoms first appeared. The test-based strategy requires the employee to have at least two consecutive negative diagnostic tests, taken at least 24 hours apart, as well as no fever and improvement in respiratory symptoms. Using a time-based strategy, at least 10 days must pass since an employee's first positive COVID-19 test before returning to work.

Workplace Assessment and Job Categorization

Employers must conduct a workplace assessment of the hazards that potentially expose employees to COVID-19. As part of that assessment, employers must categorize the

positions within their company as very high, high, medium, or lower risk for contraction of COVID-19. Categorization will depend on the specifics of each individual job, taking into account:

- the duties and tasks required,
- the work environment,
- the number of people typically present,
- the distance between employees,
- the duration and frequency of exposure to other employees,
- the types of hazards encountered,
- the amount of contact with contaminated surfaces,
- whether the job requires use of shared work vehicles or public transportation, and
- similar information.

Very High or High Risk Jobs

Employers that include jobs in the very high or high risk categories must adopt a series of engineering, administrative, and work practice controls to minimize the risk of COVID-19. Engineering controls include utilizing appropriate air-handling systems and installing physical barriers to separate workers wherever possible. Health care employers must take particular steps, such as placing hospitalized patients with COVID-19 in airborne infection isolation rooms and using such rooms when performing aerosol-generating procedures on patients with known or suspected COVID-19. Health care employers must also follow Biosafety Level 3 procedures when handling specimens from patients with known or suspected COVID-19. Finally, autopsy suites or similar isolation facilities must be used to perform post-mortem procedures on persons with known or suspected COVID-19.

Under the Temporary Standard, employers must prescreen or survey every employee for COVID-19 symptoms prior to the start of each work shift, limit non-employee access where possible, and enforce occupancy limits to building premises. Employers must offer enhanced medical monitoring of employees during COVID-19 outbreaks and provide psychological and behavioral support to address employee stress.

Wherever feasible, employers should implement flexible worksites (for example, by allowing teleworking), adopt flexible work schedules (such as staggered shifts or alternating weeks in the office), increase physical distancing between employees, implement flexible meeting and travel options, deliver services remotely, and deliver products through curbside pickup.

With respect to personal protective equipment (“PPE”), employers must assess the workplace to determine whether and what PPE is necessary, provide appropriate PPE to their employees and customers, communicate their selection decision to employees, and provide PPE that properly fits each employee. Upon completing this hazard assessment, employers must provide a written certification identifying the workplace evaluated, the person certifying that the evaluation has been performed, and the date of the hazard assessment.

In health care settings, employers must provide hand sanitizer. When in contact with or inside six feet of patients or other persons known to be or suspected of being infected with COVID-19, employees should be provided with and wear gloves, a gown, a face shield or goggles, and a respirator.

Medium Risk Jobs

The requirements for medium risk jobs are not as onerous as those for very high or high risk jobs, but employers must still ensure appropriate air-handling systems are in place. Where feasible, prescreen or survey every employee for COVID-19 symptoms before each shift, provide face coverings to non-employees suspected of having COVID-19, implement flexible worksites and work schedules, increase physical distancing to at least six feet (and require employees to wear face coverings where this is not possible or if they are in customer-facing positions), install physical barriers, implement flexible meeting and travel options, deliver services remotely, and deliver products through curbside pickup.

These employers must also conduct a hazard assessment, select appropriate PPE for their workforce, and verify the hazard assessment through a written certification.

Infectious Disease Preparedness and Response Plan

Employers with hazards or job tasks classified as (a) very high and high, or (b medium with at least eleven employees, must also have an infectious disease preparedness and response plan. At a minimum, the plan must:

1. designate and identify the person responsible for administering the plan;
2. involve employees in its development and implementation;
3. consider and address the level of COVID-19 in the community and workplace and the level of risk associated with jobs at the workplace;
4. create contingency plans for situations that may arise due to outbreaks;
5. identify infection prevention practices to be implemented; and
6. identify any guidelines from the Centers for Disease Control and Prevention ("CDC") that are applicable.

Mandatory Training

If an employer has any employees in very high, high, and/or medium risk categories, it must train all of its employees on the risks of COVID-19 and the employer's plans to address such situations. Employers with employees in lower risk positions must provide such information to employees upon exposure to hazards.

The mandatory training must, at minimum, address and/or identify:

1. the requirements of the Temporary Standard;
2. the mandatory and non-mandatory guidelines from CDC and VOSH that the employer intends to comply with in lieu of the Temporary Standard;
3. the characteristics and methods of transmission of COVID-19;

4. the signs and symptoms of COVID-19;
5. risk factors of suffering severe COVID-19 illness with underlying health conditions;
6. awareness of the possibility of asymptomatic and pre-symptomatic spread of COVID-19;
7. safe and healthy work practices, such as appropriate use of PPE;
8. the prohibition of discrimination against employees, as discussed below; and
9. the employer's infectious disease preparedness and response plan.

Employers must certify compliance with this training mandate through written certification.

Prohibition Against Discrimination

The Temporary Standard prohibits discrimination against any employee because the employee (i) exercises his or her rights under this rule, (ii) provides and wears his or her own PPE (to the extent the employer does not provide PPE), or (iii) raises a reasonable concern about infection control at the workplace.

What Employers Should Do Now

Since Governor Northam signed Executive Orders 61, 62, 65, and 67, easing temporary restrictions due to COVID-19, employers in all industries have been working diligently to determine how to reopen and/or expand operations safely. The Temporary Standard provides employers with requirements for doing so.

To comply with the Temporary Standard, Virginia employers should:

1. conduct a workplace assessment to determine the hazards present with respect to COVID-19, what physical barriers can and should be installed, and what PPE is necessary for employees and third parties entering the workplace;
2. categorize workers into very high, high, medium, and lower risk positions to determine which health and safety standards are applicable to the workplace;
3. complete a written certification verifying that a hazard assessment has been completed;
4. create and publish policies and procedures concerning (i) the reporting of COVID-19 symptoms, (ii) the exclusion of employees with known or suspected COVID-19 from the workplace, and (iii) the specific methods for returning infected or exposed employees to work at the proper time;
5. for those employers with employees in the very high, high, or medium risk categories, create an infectious disease preparedness and response plan; and
6. design a training plan and train employees on COVID-19 preparedness and response.

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Epstein Becker & Green, P.C., is a national law firm with a primary focus on health care and life sciences; employment, labor, and workforce management; and litigation and business disputes. Founded in 1973 as an industry-focused firm, Epstein Becker Green has decades of experience serving clients in health care, financial services, retail, hospitality, and technology, among other industries, representing entities from startups to Fortune 100 companies. Operating in locations throughout the United States and supporting domestic and multinational clients, the firm's attorneys are committed to uncompromising client service and legal excellence. For more information, visit www.ebglaw.com.

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Workforce Bulletin

Insights on Labor and Employment Law

International Challenges to Dismissing Employees During the COVID-19 Pandemic

By Erika C. Collins & Ryan H. Hutzler on September 22, 2020

Outside of the United States, terminating employees can be difficult even in "normal" times. The concept of "at-will" employment is uniquely American, and generally, employers in non-US jurisdictions only may terminate employment for "cause" or for other statutorily permitted reasons. Moreover, terminated employees in many countries are entitled to

statutory notice, severance and other benefits, which is far more the exception than the rule for US employees.

Because of the COVID-19 pandemic, many countries have increased employee job protections even further, making terminations – even for serious underperformers – ever more difficult, if not impossible. Argentina and Luxembourg illustrate the challenges that international employers may face in dismissing non-US employees during the current crisis.

Argentina

Since March 31, 2020, employers in Argentina have been prohibited from dismissing employees without cause. Although the restriction is set to be lifted on September 26, 2020, the expectation is that the ban will be extended. To deal with this constraint, employers may choose to follow the country's two-step approval process for termination upon mutual agreement of the parties. Under the procedure, employers approach an employee with a termination proposal, which the employee may accept, thereby consenting to the termination of employment. Then, if accepted, execution of a preliminary termination agreement must be witnessed at the Labor Ministry, employment courts or in the presence of a notary who will issue a notary deed that confirms the termination. Most mutual agreements are being executed by way of notary deeds because the pandemic has closed the courts and hearings before the Labor Ministry are being scheduled months in advance. After the parties agree upon the economic terms, a formal termination document must be executed before a notary. This last step usually can be done immediately, as the parties need only coordinate a day and time to execute the agreement before the notary.

In considering termination upon mutual consent, Argentina employers need to take the country's mandated severance into account, which applies to employees who have completed a three-month "trial period." Emergency Decree 34/2019, enacted on December 13, 2019, doubled the amount of required severance that must be paid to terminating employees. The decree, which has been extended once, currently is set to expire on December 7, 2020. Thus, to accomplish a termination upon mutual consent, it is likely that employees will insist upon severance in excess of the double amount currently in effect.

Of note, the double severance requirement, does not apply to employees hired after the enactment of Emergency Decree 34/2019 (i.e., after December 13, 2019). Employees hired after December 13, 2019 but before July 29, 2020, are protected by the without cause

dismissal prohibition. Employees hired after July 29, 2020 may be dismissed without cause and without severance, as long as they are in their trial period (i.e., first three months of employment) and provided that they have been provided with 15 days' notice.

Luxembourg

Since before the COVID-19 pandemic, Luxembourg employees absent from work because of incapacity, have been protected from dismissal for up to 26-weeks. During this "sickness period," employers are prohibited from classifying the absence as "unjustified" and from deducting the absences from employees' annual holiday allowance, provided the employee has followed required notification and documentation procedures.

The COVID-19 pandemic has expanded this protection. Now, employers are prohibited from counting sick time between March 18, 2020 and June 24, 2020 as part of the 26-week protected period. In addition, the law protects Luxembourg employees from dismissal beyond the 26th week until their sickness is over.

In sum, multinational employers must be aware of newly enacted regulations and guidance that may restrict their ability to terminate employees during the COVID-19 pandemic and that increase termination benefits owed to employees. Although employers should always carefully consider any termination prior to taking dismissal action, they should be particularly vigilant and should consult with legal counsel prior to dismissing employees during the ongoing COVID-19 crisis.

Epstein Becker & Green continues to monitor workforce management issues in the US and abroad.

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Insights on Labor and Employment Law

COVID-19 Pandemic Introduces New Options for Digital Nomads

By Erika C. Collins, Ryan H. Hutzler, Anastasia A. Regne & Naomi Friedman on July 28, 2020

As we previously **reported**, the COVID-19 pandemic has affected employers and employees across the globe. Since the outbreak of COVID-19, governments have implemented measures to address the economic impact of the pandemic, including **job retention schemes** and **promoting remote work**. Many employers have reconsidered the need for employees to return to the office at all. In response, Barbados and Estonia have taken a

dynamic approach to these changes and have introduced digital nomad visas that allow individuals to live in the country while they work for foreign employers.

Digital Nomads Generally

Digital nomads are remote, location-independent individuals who either are employed by a foreign company or own their own foreign company. Digital nomads are not based in any one office or worksite and instead rely on information and communications technology to complete their work remotely. They may work out of cafes, on beaches or in hotel rooms – indeed, almost anywhere – because they have no set physical workplace.

Digital Nomad Visas in Barbados and Estonia

The **Barbados Welcome Stamp** digital nomad visa, promoted by Prime Minister Mia Amor Mottley, costs US$2,000 for an individual and US$3,000 for a family (i.e., applicant, spouse/partner and dependents), regardless of size. The visa allows remote workers to live in Barbados for one year and to travel in and out of the country freely. Applicants must earn over US$50,000 annually and test negative for COVID-19 within 72 hours of arrival.

The Government of Barbados hopes that the initiative will revitalize its tourism-dependent economy. Barbados derives 40 percent of its GDP from tourism, with approximately 30 percent of the Bajan workforce engaged in tourism-related work. Various travel restrictions imposed in response to the COVID-19 pandemic have all but halted international travel and tourism, impacting tourism-reliant economies, including Barbados. The Government of Barbados hopes that digital nomad visas can draw visitors that otherwise would remain in their home countries.

In addition, Estonia offers its own **digital nomad visa program**. Much like the Barbados Welcome Stamp, the Estonian digital nomad visa permits foreign workers to live in the country while legally working for their employer. The application fee is between €80 and €100, depending on the length of remote workers' stay. The visa lasts up to one year and **grants 90 days of travel across** Europe's 26-country Schengen zone, depending upon travel restrictions. Applicants must earn **at least €3,504** per month (approximately US$4,100), pass a background check, and be location-independent. By easing travel restrictions, the country hopes to increase international collaboration and to encourage entrepreneurship.

The COVID-19 pandemic has restricted travel for many individuals and has significantly expanded remote work. With a digital nomad visa, workers can explore international destinations during the pandemic without competing with locals for jobs. Digital nomad visas also may initiate crucial economic recovery activity and, by heightening a country's international presence in the business and technology sectors and, in particular, moving smaller countries forward in those sectors. Estonian Prime Minister Mart Helme noted this potential benefit when he stated that "[a] digital nomad visa strengthens Estonia's image as an e-state and thus enables Estonia to have a more effective say on an international scale. It also contributes to the export of Estonian e-solutions, which is especially important in recovering from the current economic crisis."

Epstein Becker & Green, P.C. continues to monitor the ongoing effect of the COVID-19 pandemic on employer-employee relations in both US and non-US jurisdictions.

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Insights on Labor and Employment Law

UK Update: What Employers Need to Know About the Coronavirus Job Retention Scheme

By Erika C. Collins, Ryan H. Hutzler & Anastasia A. Regne on June 24, 2020

As we previously **reported**, the COVID-19 pandemic has affected many employers and employees throughout Europe. Since mid-March 2020, the Government of the United Kingdom has implemented several measures and guidance to address the economic impact of the COVID-19 pandemic. Similar to other European jurisdictions, one such measure is the Coronavirus Job Retention Scheme ("CJRS"), designed to help employers retain their

workforce. Currently, the CJRS provides partial subsidized wages to approximately 7.5 million UK employees across 935,000 employers. Recently, the UK has provided updates to the CJRS, including an extension of partial wage replacement grants and a shift toward allowing part-time work.

In late March 2020, Chancellor of the Exchequer Rishi Sunak announced the implementation of the CJRS. Under the CJRS, all UK employers with Pay As You Earn ("PAYE") payroll schemes that were opened and in use on or before February 28, 2020 may **apply** for wage replacement grants to distribute to their furloughed employees. The CJRS recently has been extended to October 31, 2020.

Under the CJRS, employers may receive a grant to subsidize the wages of (i) furloughed employees and (ii) employees who previously were placed on unpaid leave after March 1, 2020. Note that employees who are on sick leave or who are self-isolating should not be paid through CJRS funds. Instead, these employees qualify for **statutory sick leave pay** until they are well or able to leave isolation.

From March 1, 2020 to July 31, 2020, the CJRS subsidizes up to 80% of employees' "regular wage" or up to £2,500.00, whichever is lower, as well as all employer National Insurance Contributions ("NICs") and pension contributions for the hours that employees are furloughed. Beginning on August 1, 2020, the level of CJRS grants will begin a **tiered reduction** for each month until October 31, 2020, as follows:

- For August 2020, the UK Government still will pay 80% of wages up to a cap of £2,500.00, but employers will be responsible for the NICs and pension contributions for the hours that employees were furloughed.
- In September 2020, the UK Government will pay 70% of wages up to a cap of £2,187.50 for the hours that employees are furloughed, and employers will pay NICs and pension contributions and will be required to make up the difference in employees' wages. This ensures that employees receive at least 80% of their wages up to a cap of £2,500.00.
- Finally, in October 2020, the CJRS grant will provide 60% of employees' wages up to a cap of £1,875.00 for the hours that employees are furloughed, and employers will pay NICs and pension contributions and will be required to make up the difference in employees' wages. Again, this ensures that employees receive at least 80% of their wages up to a cap of £2,500.00.

Initially, employers could distribute subsidies collected from the CJRS only to full-time and part-time employees who had been furloughed for at least three weeks. The original version of the CJRS program also required that furloughed employees receiving CJRS wages not engage in any revenue-generating activities or activities for their employers, except online training courses. Recent updates, however, provide that beginning July 1, 2020, employers may bring back furloughed employees to work for any amount of time (including part-time), while still being eligible for a grant to cover hours that employees have not worked. In all circumstances, employers are not required to have furloughed all employees. Employers may have furloughed some employees, paying them through CJRS funds, while other employees continue to work.

Important Considerations

Employers may choose to pay the difference between the 80% total (comprised of the CJRS grant and/or employer contributions required in September and October 2020) and the £2,500.00 cap. Employers also may want to pay the difference between the CJRS benefit and employees' full salary. While eligibility for CJRS grants does not hinge upon employees' remaining on full salary, any changes to the employment contract, including a reduction in wages, likely will require the consent of furloughed employees. Employers should consider that although some employees will agree to employment contract changes, to avoid, for example, redundancy, some employees may refuse to agree to such a negotiation. As such, employers should consider how to manage situations where employees refuse to agree to employment contract modifications. Note that employers must pay employees for any hours worked, as well as the NICs and pension contributions for those wages.

In all circumstances, to claim a CJRS grant, employers must notify affected employees in writing that they have been furloughed. Employers also must maintain records of this notice. Employers should be aware that a mere review of their employee roster to determine whether to furlough or to make redundant employees may qualify as a redundancy exercise, thereby triggering employers' collective consultation duties. Under UK law, employers that fail to adhere to **redundancy consultation rules** risk an unfair redundancy claim adjudicated before an employment tribunal. Finally, when selecting employees for furlough, employers should be mindful of unfair dismissal and employment discrimination laws. To avoid the risk of such claims, employers should be able to point to a clear rationale for selecting employees for furlough.

Epstein Becker & Green, P.C. continues to monitor the global impact of the COVID-19 pandemic on employers, and we will provide updates as new guidelines, directives and programs are announced.

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Insights on Labor and Employment Law

COVID-19 Short-Time Working in Luxembourg

By Erika C. Collins & Ryan H. Hutzler on June 11, 2020

Along with many European countries, the COVID-19 pandemic has affected employers and employees in Luxembourg. On March 17, 2020, the Government of Luxembourg issued a State of Emergency until June 25, 2020 and implemented several measures and guidance to prevent the spread of COVID-19. Luxembourg's population of approximately 625,000, **reportedly** has 4,040 confirmed cases of COVID-19, 110 COVID-19 fatalities and 3,901 individuals who have recovered from the coronavirus.

Similar to other European jurisdictions, Luxembourg provides employers and employees with "short-time" working opportunities in various circumstances, including due to cyclical economic problems, structural economic problems, in the event of force majeure and due to economic dependence.

Generally, short-time working schemes are public programs that allow employers that are experiencing economic difficulties to reduce the hours worked temporarily while providing employees with income support from the State for the hours not worked. Short-time work can involve either a partial reduction in the number of hours worked for a limited period (e.g., a partial suspension of the employment contract) or a temporary redundancy (e.g., a full suspension of the employment contract). In each case, the employment contract continues and is not broken. Short-time work is intended to help employers achieve flexibility during periods of temporary economic downturn without resorting to redundancies. For employers, this strategy has the added benefit of retaining trained labor as opposed to recruiting untrained staff when economic activities increase. For employees, short-time work enables them to remain in the labor market, even at a reduced level of working time and pay, while avoiding a decline in their skills.

In addition, and in response to the COVID-19 pandemic, the Government of Luxembourg implemented short-time working in the event of force majeure in relation with the coronavirus from March 18, 2020 through June 30, 2020. This short-time working scheme provides an accelerated procedure for all employers that had to completely or partially stop their activities because of the decisions taken by the government. During the short-time working period, the State covers the compensatory allowance up to 80% of the salaries. Of particular interest to employers hoping to participate in this short-time working scheme, on June 4, 2020, the Government of Luxembourg extended the period for employers to apply for short-time working in the event of force majeure in relation with the coronavirus from May 31, 2020 until June 15, 2020.

Finally, a new application form currently is being prepared for short-time working for July 2020. Such form is expected to be available on or around June 20, 2020.

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Insights on Labor and Employment Law

COVID-19's Effect on the Dynamic Workplace Safety-Employee Privacy Relationship

By Erika C. Collins & Ryan H. Hutzler on May 14, 2020

We previously have **described** certain country-specific initiatives to re-open the economy, and we have provided insights on issues that employers should consider when employees are allowed to return to the workplace. Over the past several weeks, some local governments around the globe have begun slowly to initiate progressive measures to revise and even rescind COVID-19 emergency legislation, orders and lockdowns. These governments now

are grappling with workplace-specific issues. As such, employers must determine how to maintain their duty of care to all employees and to protect employees' health and safety, while safeguarding employees' privacy.

This inevitable and inherent tension underlies the discussion surrounding several workplace issues, including (i) COVID-19 testing, (ii) taking temperatures, (iii) requiring face coverings and (iv) disclosing COVID-19 exposure in employee return to work questionnaires. The below analysis highlights some general themes and practices before providing some country-specific information. Note, however, that this is intended as a high-level overview of the applicable legal issues in certain jurisdictions, and this country-specific information likely is not sufficiently comprehensive or exhaustive to address fact-intensive inquiries and concerns.

COVID-19 Testing

Assuming that COVID-19 tests are available and can produce accurate results quickly, certain countries, including Australia and Brazil, allow employers to require employees to submit to COVID-19 tests. In such countries, the principle of protecting employees' health is paramount in relation to employee privacy concerns. Employers, however, may be required to support such a request with a lawful and reasonable purpose. For example, employers must comply with privacy laws when requiring COVID-19 testing of employees and failure to do so may render such requests unlawful. In addition, prior to requiring a COVID-19 test, employees may have to show or report COVID-19 symptoms. Many countries also require employers to obtain employee consent in a certain form prior to mandating COVID-19 testing. For example, in Luxembourg, Thailand and the United Kingdom, employee consent should be obtained in writing. That said, some countries, including France and Germany, among others, do not allow employers to require COVID-19 testing of employees because, for example, (i) nasal swabs are invasive and employers unlikely are able to justify that such a test is necessary and proportionate, except in very exceptional cases, (ii) employers are not allowed to require employees to submit to any type of health check and/or (iii) employers cannot process any medical data of employees. Some other countries, including the Netherlands and Singapore, do not allow employers to require COVID-19 testing, and instead only company doctors or medical professionals may assess whether employees should take a COVID-19 test.

Temperature Screening

Across international jurisdictions, assuming that thermometers are adequately cleaned and sanitized, employers overwhelmingly are allowed to require employees to have their temperature screened prior to entering the workplace. Temperature screenings generally are considered the least drastic measure to maintain employees' health and safety at the workplace. Several countries, including China, Colombia, Indonesia and Malaysia, among others, legally require employers to screen employees' temperatures as part of a standard health measure. Other countries, including Japan, also allow employers to screen employees' temperatures, but as a best practice, employee consent should be obtained in advance. Furthermore, in Belgium, prior to screening employees' temperatures, employers should consider obtaining the advice of the company doctor and health and safety committee.

Despite the international community's broad support for allowing employers to screen employees' temperatures, some countries, including Luxembourg and the Netherlands, do not allow employers to screen employees' temperatures prior to entering the workplace because medical data, including temperature, is employees' medical data that cannot be processed. In addition, while France does not ban temperature screening, it is not recommended. Instead, the French government recommends that all employees (i) measure their temperature if they believe that they may have a fever and (ii) self-monitor the appearance of symptoms suggestive of COVID-19. Even in jurisdictions where temperature screening is not permitted, it always is possible to request employees to monitor their own temperatures.

Face Coverings

Generally, employers likely may require employees to wear face coverings in the workplace during the COVID-19 pandemic to protect all employees' health and safety. This is true even in countries that are highly protective of employees' privacy rights, including France and Germany. Indeed, many countries, including Chile, China, Italy and Singapore, among others, require employees to wear face coverings in the workplace. Employers should consider who will provide the face coverings, and if employees must provide their own face coverings, who will cover the costs of the face covering.

Disclosing COVID-19 Exposure in Return to Work Questionnaires

Prior to returning to the workplace, employees in many jurisdictions, including, for example, Brazil, Germany and Singapore, may be required to certify responses to questionnaires that inquire about COVID-19 diagnosis, symptoms and close contacts with individuals who are or have been diagnosed with COVID-19. Requiring employees to certify certain COVID-19 information places a premium on workplace safety because collecting such information allows employers and local authorities to carry out COVID-19 response measures (e.g., contact tracing). If employees answer "Yes" or refuse to answer any such question, local law in China, Hong Kong, Japan and New Zealand, among other jurisdictions, allows employers to prevent such employees from entering the workplace.

But in other jurisdictions, employee privacy rights are paramount, even in the context of workplace safety. Note that employers always must comply with data protection laws when implementing protocols such as return to work questionnaires. In Singapore, for example, employers must comply with the Personal Data Protection Act and ensure that (i) reasonable security arrangements are in place for the protection of collected information, (ii) collected information will not be used for purposes not related to COVID-19 response measures without employee consent or legal authorization and (iii) collected information will no longer be retained as soon as it is reasonable to assume that the COVID-19 response measures cease to exist. Indeed, in Ireland, employers also may be obliged to demonstrate a strong justification for requiring employees to certify such information based upon necessity and proportionality. In addition, in some countries, including the Netherlands, employers cannot process any medical data of employees. Rather, only a company doctor or other medical professional may ask these questions. Other jurisdictions, including France, completely ban employers from inquiring about COVID-19 exposure in such return to work questionnaires.

These are just some of the concerns that employers must consider. Stemming from these complicated issues, employers must determine (i) how to respond to inevitable violations of policies and requirements (e.g., whether to follow a progressive disciplinary procedure or to terminate the employment relationship) and (ii) how to maintain the confidentiality of employee medical information while still notifying the applicable government authorities and employees who have had close contact with employees who have been diagnosed with COVID-19 or are suspected COVID-19 cases.

Generally, it is crucial that employers communicate effectively with employees when managing the COVID-19 return to the workplace phase. To alleviate employees' fears when returning to the workplace, employers should provide employees with a COVID-19 Safety Policy/COVID-19 Return to Work Policy that sets out the precautionary and preventative measures and controls that employers are implementing to ensure all employees' health and safety. Such a policy should identify and implement employers' measures to mitigate the risk of infection (e.g., social distancing measures, wearing face coverings and maintaining high standards of hygiene and cleanliness).

In the end, COVID-19 legislation, emergency orders and lockdowns are dynamic, fluid and changing rapidly. As a best practice, employers should seek legal counsel for timely analysis and guidance on any COVID-19-related issue. Obtaining legal counsel also will allow employers to appreciate the cultural differences and nuances that permeate the multi-national employer-employee relationship generally and affect employers' strategies and responses to the current COVID-19 pandemic.

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Global Re-Opening: Considerations When Employees Return to the Workplace

By Erika C. Collins, Ryan H. Hutzler & Anastasia A. Regne on May 6, 2020

As we previously **reported**, the COVID-19 pandemic has significantly altered the global workplace and international employer-employee relations. Over the past several months, many countries have enacted nationwide orders requiring billions of people to stay at home in an effort to reduce transmission of COVID-19. While some countries remain locked

down, others, have recently initiated progressive measures to re-open businesses and return employees to the workplace, with varying degrees of success:

- Germany: On April 27 Germany **began allowing** shops as large as 8,600 square feet to re-open, as well as book stores, car dealerships and bike shops, provided that they continue to adhere to strict social distancing and sanitation rules. Following a small spike in transmission, however, on April 30 German Chancellor Angela Merkel **stated** that Germany would postpone any decision to re-open fully schools until there is a greater understanding of the loosened restrictions' effects on the spread of COVID-19.
- India: India has **extended its lockdown** until May 17. During this extended lockdown, India continues to suspend all domestic and international air travel, passenger trains, and interstate buses. Schools, hotels, gyms, theaters, and places of worship remain closed. Meanwhile, grocery stores and pharmacies are allowed to stay open. Face coverings are required in all public places, and gatherings of more than five (5) individuals are prohibited. India has announced a phased re-opening, under which health officials will designate areas as red, orange, or green zones, depending upon the concentration of COVID-19 cases in those areas.
- Malaysia: On May 1, Malaysian Prime Minister Muhyiddin Yassin **announced** a conditional re-opening of the country beginning May 4, under which almost all industry and business activities will be allowed to restart operations, provided that such activities comply with relevant authorities' standard operating procedures. Employers are encouraged to continue to allow working from home or working on a rotating basis. Schools, entertainment facilities, religious events that draw crowds, and beauty services are among those that are not permitted to re-open. Some Malaysian states have elected not to participate in the re-opening measures.
- Spain: Beginning May 2-4, Spain **initiated** a multiphase plan to re-open by the end of June, in which each phase will be implemented over the course of approximately two (2) weeks. During the current first phase, individuals are allowed to exercise outside their home and to receive beauty services and restaurants may serve takeout, again provided that social distancing and sanitation measures remain observed. Spain's **next phase** will allow outdoor sections of bars and restaurants to open at 50% capacity and groups of ten (10) or fewer people will be permitted in public places and residences.

Multinational employers that are preparing for employees to return to the workplace should be prepared to implement new practices and protocols to maintain a safe work environment while the COVID-19 pandemic continues. While there are no one-size-fits-all policies or practices when operating an international workforce, employers may begin to consider certain risk factors and precautionary measures in anticipation of employees returning to the office.

Mandatory Testing Upon Return to Work

Employers should consider whether to require employees to submit to precautionary COVID-19 tests and measures prior to entering the workplace. In addition to requiring employees to have their temperature taken, employers may consider requiring employees to take one of the many different diagnostic tests that are emerging on the market. Employers should be mindful of whether any tests that may be used have been approved by public health and safety agencies, such as the Food and Drug Administration or the European Medicines Agency. Additionally, before requiring COVID-19 testing, employers should be aware of many considerations, including but not limited to the following:

- Assess the type of COVID-19 test that may be most suitable for the workplace. A less-invasive diagnostic test that analyzes whether an individual currently is infected may be more suitable than a serologic (or antibody) test that indicates whether an individual previously has had an infection.
- Whether to limit any testing only to those employees who present symptoms of COVID-19. As a recent **review** by the Centers for Disease Control ("CDC") suggests, COVID-19 may be spread from pre-symptomatic or asymptomatic individuals. As such, employers may consider testing all employees prior to their returning to the workplace.
- Whether to limit testing only to those employees who regularly work at the office, as opposed to those who regularly or exclusively work from home.
- Whether to require testing to be completed onsite or to provide employees with the option to be tested at their personal healthcare provider.
- Determine whether employees must consent to a COVID-19 test or whether labor unions or works councils must be consulted prior to implementing such a testing requirement.

- Implement procedures if and when employees refuse to consent to required tests. In addition, employers should consider appropriate responses in such circumstances, for example, progressive discipline or immediate termination.
- Develop a reporting and recordkeeping protocol. Employers should determine to whom positive COVID-19 test results will be disclosed, whether only to affected employees, other employees, and/or government entities. Employers should consider the privacy implications of reporting and recordkeeping practices and should ensure adherence to applicable local law.

Employee Health Certification

Employers may consider requiring that all returning employees certify certain health information regarding exposure to COVID-19. This may include requiring information as to whether employees have been diagnosed with COVID-19, whether they are exhibiting or have ever exhibited COVID-19 symptoms, and/or whether they have been in contact with someone who has been diagnosed with COVID-19 or exhibited COVID-19 symptoms. Depending on the jurisdiction, such inquiries may not be legal or recommended. Employers should develop processes to respond consistently to employees who respond to any COVID-19 health questions affirmatively (e.g., not allowing such employees to enter the workplace). Similarly, employers that request employees to certify certain health information also should consider what procedures to follow in the event that employees refuse to answer such health-related questions (e.g., progressive discipline or immediate termination). Employers also must comply with country-specific privacy requirements.

Wearing Face Coverings in the Workplace

Another measure that employers may consider is whether to require returning employees to wear face coverings in the workplace. Generally, such measures likely are permitted in most jurisdictions as a means to protect all employees' health and safety. When implementing face covering requirements, employers again should consider processes to follow should employees refuse to wear such protective equipment. In some cases, terminating employees for an initial offense may not be reasonable. Instead, progressive discipline, beginning with an initial warning and escalating in the event of additional violations of workplace policies, may be appropriate.

Refusal to Return to Work

As businesses begin to re-open, employers may find that some employees may refuse to return to the workplace. As a best practice, employers should evaluate such instances on a case-by-case basis. Employers should consider whether employees refuse to return to work based upon personal preferences, government recommendations, and/or information from healthcare providers. Employers should also assess whether employees' essential job functions require their working onsite or whether such employees may work remotely. In addition, employers should consider those disciplinary procedures that should be taken in the event that employees refuse to return to work. Depending on local law, as well as specific company culture, immediate termination may be too harsh a response, and progressive discipline may be more suitable. Alternatively, it may make the best business sense to accommodate employees' wish to work remotely or not to return to work where telework is not feasible.

Travel Considerations

While many countries' re-opening plans include loosening restrictions on local travel, many employees, particularly those who commute via mass transit, may be wary of returning to the office. As a practical matter, where workable, it may be best for employers to accommodate employees' desire to work remotely, or not to return to work where remote work is not available. In addition, several jurisdictions are prohibiting international visitors and may require immediate quarantine upon arrival. Given this, employers should limit non-essential business travel and should consider prohibiting international travel.

In the end, when evaluating how to respond to the challenges presented by the COVID-19 pandemic, employers should be pragmatic and practical. The circumstances that have resulted from COVID-19 are, novel, and multinational employers of all sizes are attempting to cope with a complex, unpredictable and rapidly changing environment. During this difficult time, employers should remain cognizant that many governments have enacted legislation and have issued guidance to support employers and employees. As such, employers should contact legal counsel to localize policies and practices to ensure that best legal practices are maintained that still adhere to company culture and longstanding company practice.

We continue to monitor the global impact of the COVID-19 pandemic on employers, and we will provide updates as new developments emerge.

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Global Lockdown: International Jurisdictions Extend COVID-19 Stay-Home Orders

By Erika C. Collins, Ryan H. Hutzler & Anastasia A. Regne on April 20, 2020

As we previously **reported**, the COVID-19 pandemic has altered the global workplace and international employer-employee relations in profound ways. As COVID-19 continues to spread, countries have enacted nationwide orders, requiring billions of people to stay at home. Recently, in an effort to continue to slow the spread of COVID-19, several countries

have extended national stay-home orders. The ordered restrictions vary according to jurisdiction specific reasons.

Belgium

On April 15, 2020, Belgium's National Security Council ("NSC"), which includes Prime Minister Sophie Wilmes, announced the extension of the country-wide COVID-19 lockdown until May 3, 2020. While the lockdown mandates, among other things, the closure of non-essential shops, the restriction has been relaxed with respect to certain small businesses whose business occurs primarily in the spring, such as crafting shops and garden centers. These stores will be permitted to reopen, but only under social distancing conditions. Sports and cultural events, such as festivals, however, have been placed on hold until August 31, 2020. In addition, Prime Minister Wilmes announced the NSC's intention to assess the reopening of stores, cafes, travel, and schools in the coming weeks.

France

On April 13, 2020, French President Emmanuel Macron announced extension of the French national lockdown to May 11, 2020. While acknowledging that the COVID-19 epidemic had slowed in France, President Macron emphasized the need to maintain the lockdown to further curb its spread. Under current restrictions, French residents must stay at home except to buy food, go to work, seek medical care or exercise on their own. President Macron stated that the eventual reopening of France will be progressive, beginning with schools and houses of worship.

India

On April 14, 2020, the date India's nationwide lockdown was scheduled to end, Prime Minister Narendra Modi announced its extension to May 3, 2020. Prior to Prime Minister Modi's announcement, several Indian states had already had extended the lockdown in their regions. The Prime Minister stated that in the coming week, the government will assess blocks, districts and states to identify areas that have made advances in stopping the spread of COVID-19 to determine where certain relaxations of the restrictions might be given.

South Africa

On April 9, 2020, South Africa's President Cyril Ramaphosa announced that the country's lockdown, which began March 27th, would continue until the end of April. The country's lockdown order prohibits South Africans from leaving their homes except to seek medicine or medical care, buy food and supplies or collect a social grant, and also bans the sale of alcohol and cigarettes. President Ramaphosa noted that the country's rate of infections had slowed dramatically since the restrictions were imposed and asked South Africans to continue to make sacrifices, "to slow down the spread of the virus and to prevent a massive loss of life." In addition, South African health leadership stated that the lockdown would be lifted progressively and would depend on the average rate of new infections between April 10, 2020 and April 16, 2020.

United Kingdom

On April 16, 2020, the British government announced extension of the country's lockdown until at least the second week of May. The announcement was made by Dominic Raab, the foreign minister who has assumed Prime Minister Boris Johnson's duties while Mr. Johnson himself recovers from COVID-19. Mr. Raab detailed five conditions that need to be met before the government will relax restrictions, specifically, "sustained and consistent fall in the daily death rates, confidence that hospitals could cope with the flow of patients, more capacity for testing, more protective equipment, and a judgment, made with the advice of government health experts, that there would not be a second wave of infections."

We continue to monitor the global impact of the COVID-19 pandemic on employers, and we will provide updates as new guidance and government directives are announced.

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International Employment Challenges Related to the COVID-19 Pandemic

By Erika C. Collins & Ryan H. Hutzler on April 3, 2020

The COVID-19 pandemic has altered the international workplace and international employee-employer relations in profound ways. As employees now work from home in significant numbers around the globe, multinational companies have suddenly been confronted with managing issues they may not have previously prioritized. Matters such as outfitting employees' homes with the necessary technology to stay connected with clients

and coworkers, and ensuring that employees receive sufficient ergonomics support and training to maintain a safe and healthy home office space, now are part of the "new normal" to sustain both employers and employees' efficiencies and morale. These issues are especially challenging for multinational companies that might wish to implement uniform global policies and practices, but that may be prevented from doing so by the varying protocols and guidance of the different countries in which they operate.

In addition to taking steps to maintain business continuity as citizens worldwide are being asked or ordered to "shelter in place," many companies are exploring measures to avoid layoffs and mitigate economic insecurity during this crisis. Options may include, for example, requiring employees to use accrued, unused paid leave; salary reductions; deferring salary increases, bonuses, and/or equity awards; and furloughs. In many countries, however, actions such as these cannot be undertaken without employee consent and consultation with employee representatives or works councils; further, they may bring with them risks of constructive or wrongful dismissal with the associated damages. And, as a last resort, many employers may find it necessary to consider permanent layoffs, which are highly regulated outside the United States, and which often require notice and/or severance, consultation with employees and works councils, and government notifications and/or social plans.

Like domestic businesses, multinational employers may consider several different approaches to address the economic impact of the COVID-19 epidemic. Global companies, however, also must consider the different ways that each option would have to be implemented in the various countries in which they do business. Multinational employers, for example, are more likely to need to review and analyze any collective bargaining agreements that may be in effect – and which may apply by industry or position – and to follow mandatory procedures with respect to affected workers.

Although country-specific statutory and regulatory requirements will preclude a uniform, one-size-fits-all multinational solution, several important global themes have emerged during this crisis. For example, in response to the COVID-19 pandemic, many countries are implementing legislation (e.g., Brazil, the Netherlands, and the United Kingdom) to socialize the idea that employers may seek to reduce employees' pay in exchange for greater job security. Such legislation has been widely publicized, and employees in other countries

are unlikely to be surprised that their employers are considering similar measures outside the established statutory scheme.

As we enter a "new normal," it will behoove multinational employers to lay the ground work for employee "buy-in" before implementing changes that their businesses need to weather the COVID-19 storm. Effective communications with employees and works councils will be paramount to help ensure that (i) the proposed measure is implemented successfully, (ii) the risk of subsequent legal action is reduced, and (iii) employee morale issues are minimized. Straightforward and honest communications with employees can ease employee relations concerns. Employees inevitably will learn who will and will not be impacted by a company's actions; however, open communications in advance can be a valuable tool in successful implementation of painful, but necessary measures. And, of course, to the extent the employment actions being undertaken can be truthfully presented as temporary as opposed to final, the more likely employees will be willing to accept such changes, especially in the current COVID-19 business environment. These communications must come from the top ranks of the organization in order to legitimize the effort to save as many jobs as possible.

The global coronavirus pandemic ignores international borders and has created a worldwide health and financial crisis. The business response to the financial consequences wrought by COVID-19, however, will be constrained, and must be informed, by the workplace laws and practices that govern in different countries around the world.
