

Employment Update

Coronavirus | Practical recommendations from the occupational and preventive point of view

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Possible actions and recommendations to be carried out by employers from an employment and preventive point of view

One of the most current issues and one that has had the greatest impact on public opinion is the possible COVID-19 pandemic, as the World Health Organization has pointed out.

Since the Wuhan (China) Municipal Health Commission reported 27 cases of pneumonia of unknown etiology on 31 December 2019, this figure has only increased in the Asian country, reaching a total of 78,000 people infected to date.

The disease, popularly known as coronavirus, has spread beyond the borders of China, reaching, among other territories, Europe. Thus, referring to this territory, it should be noted that more than two hundred cases have been confirmed in Italy, as well as a total of twelve in our country (figures that, in view of the rate of spread, have probably changed by the time you are reading this).

In view of the speed with which the number of coronavirus patients has been increasing and in accordance with the reality of an increasingly globalised business world, **the aim is to provide information on possible actions and recommendations to be carried out by employers from an employment and preventive point of view.** As a starting point, it should be remembered that employers are obliged to do so, mainly under Law 31/1995, of 8 November, on the Prevention of Labour Risks ("LPRL"), and more specifically in its Article 14, second paragraph, when it states that:

"In compliance with the duty to protect, the employer shall ensure the safety and health of workers in his service in all aspects related to the work. To this end, within the framework of his responsibilities, the employer shall carry out the prevention of occupational risks through the integration of preventive activity in the company and the adoption of any measures necessary for the protection of the safety and health of workers (...)".

In this sense, the described business obligation to observe the safety and health of its employees could be described as a constant duty, which is not safeguarded in exceptional situations.

For this reason, companies are being involved in the imminent need to adopt and implement preventive measures in order to urgently protect their workers against the risk of contagion derived from their services. Possible actions and recommendations in this respect are listed below.

A.- Measures aimed at all workers, regardless of where the services are provided:

- (i)** To make available information about the virus, basic rules of hygiene -hands and eyes- to prevent infection, and detailed information on its symptoms.
- (ii).**- Inform them that, in the event of the appearance of the detailed symptoms, they should immediately contact the 112 telephone service number;
- (iii).**- Make available, by means of their placement in toilets, changing rooms, office and transit areas, disinfectant gels - for hands - and handkerchiefs;



(iv) Remind them repeatedly of the basic rules of hygiene to prevent infection, as well as the recommendations for use of the disinfectant gels and tissues placed at their disposal.

(v) To inform them about those territories with a greater risk of contagion.

B.- Measures aimed at those workers already relocated or who will be displaced to one of the areas with evidence of community transmission:

(i) To communicate the termination and immediate return of employees who are in any of the areas considered as "areas with evidence of community transmission".

In this regard, the countries currently classified by the Ministry of Health as areas with evidence of community transmission are as follows: China (including Hong Kong and Macao); South Korea; Japan; Singapore; Iran and Italy (regions of Lombardy, Veneto, Emilia-Romagna, Piedmont)

This list, which is constantly officially updated, would allow the company to have objective criteria when deciding and ordering the return of its workers.

(ii) To subject the worker, once he or she has returned and before beginning to provide services, to a medical examination by the health surveillance service with which the Company has subscribed for the specialty of occupational medicine, in which it would be determined whether he or she is infected.

From a logistical point of view, the Company should observe adequate coordination with its medical service, in order to try to keep the time period between the employee's return to Spanish territory and his or her medical examination to a minimum, avoiding in all cases contact with other work colleagues by means of either assignment to a temporary teleworking scheme or the granting of paid leave. In both cases until their state of health is clarified and known.

If the medical tests are positive, that is, if it is concluded that the employee is infected, the worker will be placed on temporary disability and, in that case, will be subject to the medical protocol approved by the Ministry of Health.

On the other hand, if the employee is in full working capacity and the results of the medical tests confirm this, he or she will provide services to the Company, following the instructions given to him or her.

(iii) To avoid professional trips to areas where there is evidence of community transmission.

C.- Measures aimed at employees who may present a risk of contagion for reasons or reasons unconnected with business activity:

(i) To ask the workers to inform the Company of possible situations to which they have been exposed that could involve a risk of contagion.

(ii) To study each of the cases, evaluating the adoption of possible measures adapted to the specific circumstances of each worker, citing as an example the formula of teleworking during at least the incubation period of the virus, set at fourteen days by the health authorities.

You can consult the [press pack](#) related for more information.

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