

Which health and safety measures should employers consider introducing?

Employers are obliged to ensure health and safety of their employees. The COVID-19 outbreak requires employers to adapt their health and safety measures to the changed circumstances. When considering health and safety of employees, there are different sets of measures employers should consider – prevention (e.g., assessing the risk, practical measures, and informing employees), and treatment in case of out-break or suspicion thereof (e.g., support and monitoring).

Preventive and treatment measures serve the purpose of protecting health and safety of the employees, i.e. avoiding risk of infection in the workplace. Some of the health and safety measures employers should consider are listed below:

- ▶ Cancellation of in-person meetings;
- ▶ Introducing telephone or video calls whenever possible;
- ▶ Cancellation of any business trips;
- ▶ Disinfecting the workplace premises as often as possible – increased level of cleaning;
- ▶ Ventilating the workplace premises;
- ▶ Introducing sufficient amount of hand soaps and disinfectants along with instructions for their use;

- ▶ Isolating any employees for whom there is a suspicion they may be infected or are carriers or have been in contact with a person infected by COVID-19.
- ▶ In addition to the above, employers should ensure that they inform their employees regularly and update them on any measures, rules or protocols which the employer has introduced due to COVID-19 circumstances.

If necessary, depending on specific circumstances, the employers should prepare bylaws, or a decision, regulating protocols and measures required for dealing with COVID-19 circumstances and potential in-house outbreak.

May employers require their employees to work from home?

By deciding to have the employees work from home, an employer is setting in place a preventive measure designed to ensure the health and safety of its employees and the wider public, and it is therefore permitted to do so.

If an employer requires some or all of its employees to work from home, the employer is obliged to ensure that its employees have all the reasonable and necessary means to work from home (e.g., working conditions, equipment, and rest periods). The work from home period should not be at the expense of the employees.



What is the process of introducing sick leave and how much do employees receive during the sick leave?

When determining sick leave entitlement and related rights during the period of COVID-19 risk, three different scenarios may be distinguished: (i) Mandatory self-isolation determined by the competent bodies – employee is “healthy”; (ii) Employee is infected by COVID-19 and sick; and (iii) Self-isolation which was not imposed by the competent bodies.

Mandatory self-isolation determined by the competent bodies

Where the competent bodies (e.g., the competent epidemiologist or border sanitary inspector) have determined the obligation of self-isolation or a health facility quarantine for an employee, such measure towards an employee is treated as a temporary incapacity to work due to exposure to infected persons or area.

In case of mandatory self-isolation, the Croatian Health Insurance Fund is obliged to compensate the temporary incapacitated employee for the duration of the period of mandatory self-isolation. The maximum monthly amount of compensation for full-time employees is currently HRK 4,257.28 (approx. EUR 570). The employer is released from any compensation/remuneration obligations with regards to the employee during such period.

However, if the employer and the employee decided that the employee will work from home during the time of mandatory self-isolation, the employer remains obliged to remunerate the employee for his work, and the employee is not entitled to the compensation from the Croatian Health Insurance Fund.

Employee is infected by COVID-19 and sick

If an employee is infected by COVID-19 and sick, the employee is entitled to regular sick leave compensation (reimbursement) and may not be required to perform any work during such sick leave period.

Self-isolation which was not imposed by the competent bodies

Where the self-isolation is requested by the employer as precautionary measure, without the approval of the competent bodies, the employer remains fully obliged towards the employee and the employee is not entitled to any reimbursement from the Croatian Health Insurance Fund.



Are there any special rules that apply when employees cannot work because the government closes businesses down and/or requires people to work from home?

To date, the Croatian Government has not issued any measures which would relate specifically to employment rights in relation to businesses closed down due to COVID-19 circumstances.

In the absence of specific COVID-19 measures/regulations, the legislative provisions regulating the interruptions of work, due to circumstances beyond the responsibility of the employee, are applicable. During such a period of interrupted work, the employee is entitled to compensation from the employer. The mandatory compensation amounts to the amount equal to the average salary of a certain employee received in the previous 3 months. Higher compensation may be envisaged in the employment agreement, bylaws of the employer or the applicable collective agreement. A lower compensation amount may be envisaged only in the collective agreement.

The duration of such an interruption period may not be determined in advance, and the employer may not unilaterally impose any kind of time limit with respect to a compensation payment. The employee shall be entitled to compensation for the whole period of the interrupted work due to COVID-19 circumstances.

Which measures should employers take with regards to the employees seconded abroad?

Employers who decide to defer secondments or temporarily return to the home country the seconded employees should take into consideration both the legal and immigration aspects of such decisions. Primarily, given the multijurisdictional nature of the employment relationship of seconded employees, where appropriate, the employer should ensure to abide by the applicable law of both the home and the host country. Also, where necessary, especially with the seconded employees returning permanently to the home country, competent immigration authorities should be timely notified.

Any employees seconded to the EU Member States, insured with the Croatian Health Insurance Fund, are entitled to any urgent and necessary COVID-19 medical care under the same conditions as the insured persons of the respective country. The cost of such medical care should be refunded at the expense of the Croatian Health Insurance Fund.

Are there any other employment questions employers should take into consideration?

Facing COVID-19 outbreak may cause the need for employers to consider potential alternative arrangements for temporarily utilizing their workforce in the most appropriate and efficient manner. Some of the measures employers most often consider are paid and unpaid leave for the employees, decreasing the employee compensation schemes, introducing shorter working hours, termination of employment agreements. Each of those measures should be carefully planned and tailored to specific circumstances of the individual employer and further development of external impacts.

Are there any rules/government aids to help businesses stay open?

Following the Croatian Government session held on this week, the Croatian Prime Minister announced that the Croatian Government has been working on a new package of measures to help the Croatian economy fight the COVID-19 circumstances. The new package of measures is expected to be enacted by the end of the week.

EY will issue a separate alert covering the introduced measures.

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