

# Corona and Labour Law FAQ

## 1. When can you stay at home?

There is no simple answer.

You can't decide on your own that you won't come to work anymore out of fear of the COVID-19 virus (Corona). Your employer can give you a warning notice or terminate your contract in response.

If you had contact with a person infected with the Corona virus, clarify as soon as possible whether you have to be quarantined. If it is necessary to stay away from your workplace due to a medical suspicion of Corona, you must inform your employer immediately and submit a certificate of incapacity to work. According to the regulations, all persons infected with the Corona virus must be reported to the public health department by the doctor treating them. In the case of quarantine, you must stay at home and your wages will be paid by the employer as before.

In principle, when you are sick and unable to work – due to the Corona virus or something else – you receive a certificate of incapacity to work from your doctor, which you must send as soon as possible to the employer and the health insurance company. In this case, you will continue to receive your salary.

## 2. You were diagnosed with the Corona virus.

If you are infected with the Corona virus, you must notify the employer immediately of your incapacity to work and provide proof of the expected duration of the illness by means of a certificate of incapacity to work.

In order to minimise the spread of the virus, it would be good to inform your employer and colleagues about the infection.

## 3. You need to travel for business to an area highly affected by Corona?

In principle, the incapacity to work also extends itself to business trips.

If the risk of infection in a region has been officially stated by public authorities (public health department, local administration, police and others), you don't have to travel to that area.

Here you can find the website of the Robert Koch Institute with up-to-date information on risk areas ([https://www.rki.de/DE/Content/InfAZ/N/Neuartiges\\_Coronavirus/Risikogebiete.html](https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Risikogebiete.html)).

## 4. What if your company has little work due to the current situation?

Employers can apply for the so-called short-time allowance (Kurzarbeitergeld) to the Employment Agency. The employer receives a compensation payment from the state for the share of his employees who work shorter hours due to declining orders, which they must pay out to you. This compensation amounts to 60 percent of the lost net wage. If you have at least one child, you will receive 67 percent of the lost net wage.

If the employer sends you home anyway, you are still entitled to your wages. Ask the employer to confirm in writing that he is sending you home or make sure that this discussion with the employer takes place with a witness.

Working time accounts may not be used up unilaterally by the employer when he wants to give you time off. Your consent is always required.

If the employer decides to close the business as a precautionary measure, he must continue to pay your wages for the period of the closure.

ATTENTION! Do not sign any documents presented to you by your employer because of the Corona crisis. This could be a dismissal or an agreement to terminate or amend your work contract, which could have negative consequences for you.

#### **5. Your employer has dismissed you – you have signed a document that you did not understand**

Check if your dismissal was according to the law. You can protect yourself against an irregular or unjustified dismissal, including in the case of a verbal dismissal or a termination without notice. You can file a claim to the labour court. **However, you only have 3 weeks to do so from the day you receive the notice of dismissal!**

Here you can find an example for such a claim ([https://igbau.de/Binaries/Binary\\_13723/Muster-Kuendigung-ODER-Aufhebungsvertrag.pdf](https://igbau.de/Binaries/Binary_13723/Muster-Kuendigung-ODER-Aufhebungsvertrag.pdf)), which you can submit to the legal application office of the local labour court in order to comply with the 3-week period!

More information about dismissal can be found [HERE](#). (verlinkt zu <https://www.fair-arbeiten.eu/de/article/15.kündigung.html>).

Regardless whether you have received a notice of termination or signed a document presented to you by the employer, immediately contact a law firm, your trade union or a counselling centre.

If you have a low income, you can apply to the local district court for a so-called counselling assistance certificate (Beratungshilfeschein), which can be used to consult a lawyer.

**You must immediately register yourself as a job seeker at the employment agency or the job centre! Due to the current situation, you can also do this by telephone or online, without an in-person visit! (<https://www.arbeitsagentur.de/eservices>).**

#### **6. You live in an apartment that your employer rents out to you. Do you have to leave the flat if your work contract is terminated?**

No! You can only be evicted from your apartment following a court ruling. In addition, travel restrictions are currently in place. Under no circumstances should you voluntarily move out of your accommodation, as you will then be homeless and have no right to return. This also applies if you only have a verbal rental contract. If you are put under pressure, contact an advisory centre or the police!

#### **7. Your enterprise was put under quarantine by the competent authority and ordered to close. Do you continue to receive your wage even if you are not sick yourself?**

Yes, you will continue to receive your salary. In the case of the Corona virus, the responsibility for the loss of your salary is governed by the Protection against Infection Act.

#### **8. If your child's kindergarten or school is closed because of the Corona virus, can you stay at home and continue to receive your wage?**

You must search for ways to have your child looked after elsewhere. This is often difficult, especially with small children. You should talk to your employer as soon as possible and consider whether working from home is a possibility.

If the child falls ill, the usual rules apply: employees can take time off work because the child is ill. The health insurance company will then pay sickness benefit for 10 days, or 20 days for single parents.

For a short period of a few days, employees can continue to receive sick pay from their employer if this has not been ruled out in the employment contract or collective agreement.

### **9. What precautionary measures must your employer take to protect you from Corona?**

The employer has a duty of care. For example, he must provide disinfectants. The company must also provide information on occupational health and safety and hygiene regulations and make the necessary resources available.

#### **Links:**

Information from the Federal Ministry of Health (German, English, Russian, Turkish)

<https://www.bundesgesundheitsministerium.de/coronavirus.html>

Information on the current development worldwide and in Germany (German)

<https://www.tagesschau.de/ausland/coronavirus-karte-101.html>