



Frequently asked questions regarding the new coronavirus
(COVID-19)
For employees

This document was last revised on April 9, 2020.

Table of Content

Illness, reporting sick and registering as sick	3
Vulnerable health and high-risk groups	4
Salary	4
Emergency leave, short-term care leave, and holidays	5
Healthy and safe working environment	6
Termination of contract and dismissal	6
Privacy	7

Disclaimer

This document was composed by HumanTotalCare BV. HumanTotalCare BV is the holding company of the affiliated companies ArboNed BV, HumanCapitalCare BV, Ba5 Zuidwest BV (Bedrijfsartsen5), Mensely BV and Focus Nederland BV. This document contains general information about the most frequently asked questions regarding the coronavirus (COVID-19) and it has been carefully formulated based on the most recent information. You cannot derive any rights from this document. HumanTotalCare BV cannot guarantee that the information in this document is correct, complete, updated and free of typing errors. HumanTotalCare BV and its affiliated companies cannot be held liable for any possible damage and costs of whatever nature that result from the use of this document. References in this document to websites of third parties are included only for the purpose of information. HumanTotalCare BV is not responsible or liable for the content and functioning of these websites.

Intellectual property

HumanTotalCare BV is the sole owner of all intellectual property rights in this document or related to this document. The information in this document is intended exclusively for your own use, including the use within your organisation. It is not permitted to change this document (or parts thereof), to process, publish, reproduce or distribute it or to make it available against payment to third parties without the explicit and written consent of HumanTotalCare BV.

This document can be quoted as follows: 'Advice to Employers about the Coronavirus', HumanTotalCare BV, version April 9 2020.

Illness, reporting sick and registering as sick

I have health complaints, but my employer does not want to register me as sick. Do I have to work now?

If you think you are too sick to work, your employer will have to have your report assessed by the occupational health and safety service's company doctor.

I am infected with the coronavirus, have no or mild symptoms, and can still work. Can my employer register me as sick?

No, your employer may not register you as sick. According to government measures, you have to stay at home and, if possible, work from home. Is working from home not an option? In that case, discuss a solution with your employer.

The GGD obliges me to stay in quarantine, but I am not sick. Can my employer register me as sick?

No, quarantine is no reason for this. In principle, you can work and you can also work from home. Is working from home not an option? In that case, discuss a solution with your employer.

I have a cold. Can my employer register me as sick?

No, a cold is no reason for this if you can still do your work. Based on government advice, however, you are obliged to stay at home. Is working from home not an option? In that case, discuss a solution with your employer.

If you get sicker and/or get a fever (38 degrees Celsius or higher) and it is clear that you can no longer do your work, your employer may register you as sick. If you and your employer do not agree on whether you are still able to do your work, the company doctor will have to give the final answer.

My partner or children are sick and I have to take care of them at home, which prevents me from working. Can my employer register me as sick?

No, but the Work and Care Act stipulates that you are entitled to short-term care leave for the necessary care. This is a maximum of two working weeks per year, 70% of the salary (but at least the statutory minimum wage applicable). A collective labour agreement (CAO) may contain additional regulations for this purpose. Consult your CAO for more information.

I cannot go to work because of government measures, but I can work from home. Can my employer register me as sick?

No. Preventive working from home without being sick does not fall under sick leave. This is a result of a government measure, and should not be at your expense. Your employer must continue to pay your salary.

Due to government measures, the company for which I work is closed. As a result, I am at home but now, I am also sick. Can my employer register me as sick?

Yes, if you could not have worked because of the illness, your employer can register you as sick.

I am sick, but I do not know if I have the flu or the coronavirus. What should I do?

If you cannot work because of illness, report sick to your employer. Avoid contact with others as much as possible and follow the measures of the RIVM.



If your health problems increase and you have a fever (38 degrees Celsius or higher), we advise you to contact your GP by telephone. The GP will be able to assess your risk of corona infection and will contact the GGD if necessary.

If you are free of complaints for 24 hours, you can return to work, unless a housemate or family member has complaints that get worse (with fever and/or shortness of breath). In that case – even if you have no complaints (anymore) – you have to stay at home for 14 days after the last unprotected contact with the sick person.

How does my sickness registration work?

If you are unable to work due to illness, your employer will report your illness to us. We treat this sickness registration according to the regular working method in which we, as an occupational health and safety service, are bound by professional guidelines and the Dutch Gatekeeper Improvement Act (Wet verbetering poortwachter). It will often be a short absence and a consultation with the company doctor will not be necessary.

Vulnerable health and high-risk groups

I am pregnant and I am worried about a possible coronavirus infection. May I report sick preventively?

No, if you have no symptoms and there are no extra risks at work, there is no reason to report sick (preventively). Comply with the RIVM regulations (avoid large groups and public transport) and discuss with your employer whether your work can take place safely, for example, by phone. If you still have questions, make an appointment for the open consultation hours of the company doctor.

I belong to a high-risk group and have much contact with people in my work. I am worried about my health. What can I do?

Comply with the RIVM regulations (avoid large groups and public transport) and discuss with your employer whether your work can take place safely, for example, by phone. If you still have questions, make an appointment for the open consultation hours of the company doctor.

Salary

Am I entitled to salary if I do not come to work at the employer's request?

Yes, in principle, you are entitled to salary.

Am I entitled to salary if I am ill due to the coronavirus and cannot do my work?

Yes, if you are ill and cannot work, whether here or abroad, the normal rules regarding illness apply. You must report sick and adhere to the further procedures regarding illness that apply within the organisation. In the case of the coronavirus, your right to continued payment of wages is the same as in other cases of illness.

Am I entitled to salary if I do not come to work because I am afraid of infection from clients or colleagues?

Discuss with your supervisor if there is reason to be afraid. If this is not the case and you still do not want to come to work when you need to, you may be denying work. If the company situation allows it, you can take a holiday in consultation with your manager. If this is not possible, your employer may be able to stop paying your wages.

Am I entitled to salary if I stay abroad and am unable to return now?

The law states that if no work is performed, there is a right to salary unless the non-performance of work must be at the expense of the employee. In this case, the non-performance of the work is not the fault of the employee and we consider it likely that the salary must continue to be paid. If you have opportunities to work from your address abroad (for example via the laptop), your employer may require you to do so (during the hours that work is paid for). Also, you must make every effort to be able to travel back home. If there were possibilities to travel back, but you did not make use of them, your right to salary could be cancelled.

In this situation, it may also be important at which time/in which period you travelled and to which country. For example, was there negative travel advice for that country? Or was it clear beforehand that you would not be able to travel back and did you make that trip nonetheless? In that case, you may not be entitled to salary.

My employer no longer has any work for me because the company has been closed down due to government measures. Am I entitled to salary?

Yes, you are. Even now, when there is no more work for you, your employer is obliged to continue paying your salary. The employer may be able to cushion part of the financial consequences by appealing to the Temporary Emergency Bridging Measure for Sustained Employment ([Noodmaatregel Overbrugging voor Werkbehoud - NOW](#)). If your employer makes use of the NOW, your employer is obliged to continue paying your salary in full.

Emergency leave, short-term care leave, and holidays

I have no out-of-school care for my child(ren). What can I do?

In this situation, you and your employer have the responsibility to find a solution together. You must do your best to organise out-of-school care. Your employer can give you one or two days to arrange this (emergency leave). If this does not work, you can take days off. You can also see if other forms of (unpaid) leave are possible, such as parental leave.

Public transport does not run, so I cannot come to work. Am I entitled to pay?

No. In this situation, you can make use of emergency leave to arrange replacement transport. It is your responsibility to ensure that you are available for work. Consult with your manager if you are unable to meet this obligation. You can take a day off or make use of emergency leave in consultation with your manager if the circumstances are truly unforeseen. Emergency leave is for one or a few days.

I have taken holidays, but due to the coronary measures, my vacation has been cancelled. Can I cancel my days off?

Your employer has determined the holiday at your request and does not have to accept that you will still come to work during this period and not take the days off. Discuss this with your employer/manager and try to find a solution that works for both.

Healthy and safe working environment

To what extent should I follow my employer's instructions?

As an employee, you must follow reasonable instructions on how the work should be performed and concerning the good order in the organisation. Your employer can, therefore, instruct you to comply with the hygiene measures within the organisation. If working from home is customary or possible, your employer may oblige you to work from home for a certain period.

Can my employer temporarily adjust the working hours?

Yes, your employer has been called upon by the government to spread the working hours of employees temporarily where possible. This may mean that your working hours will be temporarily adjusted. Of course, the adjustment of working hours must be in accordance with the Working Hours Act.

To what extent should my employer ensure that I can work from home healthily and safely?

Your employer has a duty of care when it comes to working healthily and safely. This duty of care also includes providing a good workplace, regardless of where this workplace is located. Your employer – with or without the help of the occupational health and safety service – often has an instruction available for setting up your workplace at home. Also, make sure that you are aware of the agreements that apply at your company regarding, for example, breaks and maintenance of computers, equipment, etc.

Termination of contract and dismissal

Suppose a project is stopped because of the coronavirus. What are the rights of an on-call worker, a min-max contract, temporary worker, and the self-employed (flex workers)?

- On-call worker: if the employer has already called you for work, and cancels this call within four days before the start of the work, the employer is obliged to continue paying the wages for the hours that would have been worked according to the call. You may also be able to appeal to the legal presumption of the workload. The fixed working hours are equal to the average working hours of the past three months. If the appeal to legal presumption is successful, the employer is obliged to continue to pay wages over that average working time. Please note: your contract may include a continued payment of wages. This is a clause under which the employer is not liable to pay wages during the first six months of the contract if the employee is unable to work due to a

circumstance that is at the employer's risk. The employer may be able to invoke this clause if activities come to a halt due to corona.

- **Min-max contract:** the salary over the minimum number of working hours agreed upon must be paid. Here too, legal presumption (see above) can play a role. Please note: your contract may include a continued payment of wages. This is a clause under which the employer is not liable to pay wages during the first six months of the contract if the employee is unable to work due to a circumstance that is at the employer's risk. The employer may be able to invoke this clause if activities come to a halt due to coronavirus.
- **Temporary worker:** the employer's obligation to continue to pay wages strongly depends on the phase of your contract.
- **Self-employed people:** this depends on what has been agreed upon in the contract. The client can probably end the relationship. A notice period may apply in such a case. In case of a direct termination without observing the agreed notice period, compensation may be due.

Privacy

Can my employer ask me if I have corona if I report sick?

No, employers may not ask employees about the clinical picture. Although this is an uncommon situation, your employer is not allowed to register data about the nature and cause of your illness. Chances are that you tell it spontaneously because it is such a special situation. Even then, your employer may not record this.

Can my employer test me preventively for the coronavirus?

No, employers are not allowed to have employees take a preventive test for the coronavirus. That is in violation of privacy laws. The Dutch Data Protection Authority (AP) makes an exception for employers in healthcare. They are allowed to check their employees for corona. The AP does not clarify what is meant by 'healthcare.' This probably concerns the curative healthcare sector; if you work in a hospital for example.

Can my employer tell me which colleague is infected with the coronavirus?

No, that is not allowed in accordance with privacy legislation. Even if the colleague in question has indicated that this information may be shared. There are exceptional cases. For example, if measures are taken to protect all colleagues, from which you can deduct which colleague has the coronavirus. The employer must always carefully weigh up one's interests and the privacy interests of the employees.