

30 October 2020

SLOVAKIA

Impact of COVID-19 Screening on Employment Relationships

The first round of the nationwide screening of the Slovak population for COVID-19 will take place from 31 October to 1 November 2020. We would like to draw your attention to the impact of this screening on employment relationships.

The below measures are applicable for the period **from 2 November until 8 November 2020**.

Curfew

A curfew is implemented, with certain exceptions, such as:

- between 1 a.m. and 5 a.m.;
- an individual who presents a negative COVID-19 test result issued between 29 October 2020 and 1 November 2020 (either a RT-PCR test or an antigen test issued by an authorized subject participating in the screening organized by the government);
- an individual who presents a negative COVID-19 test result issued between 2 November 2020 and 8 November 2020;
- journeys to the to the closest retail store, to the extent necessary to procure the essential necessities of life (food, medicine, drugstore goods, petrol, etc.);
- journeys to medical facilities or for the purpose of undergoing a RT-PCR test for COVID-19;
- an individual who has overcome COVID-19 and has proof of it dated no more than three months previously, and an individual who has been diagnosed with COVID-19 in the period from 1 August 2020 until 15 October 2020;
- specific medical reasons applicable to the individual (immunodeficiency, oncological treatment).

Can Employees Come to Work?

As you may note, travel to work is not included in the exceptions from the curfew. In other words, employees who **do not undergo the screening** organized by the government (and are not exempt from the curfew) **will not be able to go to work** in the period from 2 November 2020 until 8 November 2020.

What if an Employee Tests Positive?

Any employees who test positive during the screening will have to stay in isolation for 10 days – in such situation the employee is entitled to sick leave. Family members living in the same household also have to stay in isolation.

What if an Employee Does not Undergo the Screening?

In case an employee decides not to undergo the screening, and no other exception is applicable, the employee cannot go to work, and does not qualify for sick leave. The employer has, in such situation, several options:

- agree with the employee on working from home (if relevant for the position);
- agree with the employee on taking vacation time;
- grant to the employee compensatory leave accumulated for overtime work or work on public holidays (if the employee is entitled to such leave);
- consider it an excused but unpaid absence (payroll must be informed about the status for the purpose of deregistration from social security and health insurance);
- provide the employee with paid leave on the condition that the employee will perform the work later.

We do not recommend treating such situations as an unexcused absence.

What if a Family Member of an Employee Does not Undergo the Screening?

If a family member of the employee living in the same household does not undergo the screening, the employee can still come to work.

Can we Require an Employee to Present a Negative COVID-19 Test Result?

Arguably yes, since you are responsible for Health and Safety at the Workplace. Alternatively, if the employee is within a group of individuals who are not required to undergo the screening due to specific medical reasons applicable to the individual (immunodeficiency, oncological treatment), he/she could arguably present the employer with an affidavit stating the same.

Is an Employee Currently on Sick Leave (Unrelated to COVID-19) Exempt from the Screening?

No, such an employee is not exempt from the screening. The employee has two options – either undergoing the screening or being subject to the curfew duty. However, the employee's sick leave will remain unaffected.

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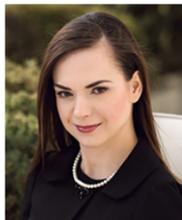
We will continue to keep you updated on any major developments that may impact your business.

In the meantime, do not hesitate to contact us if you have any questions or comments.

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