

## **COVID-19 and Labour Regulations**

### **Germany – SKW Schwarz**

#### **1. OBLIGATION TO WORK**

The COVID-19 situation does not justify being absent from work; thus, the obligation to work in the office is not suspended – of course, unless tested positive or restricted by official order.

#### **2. RIGHT TO TELEWORK**

Unless there is a collective or individual agreement in place the COVID-19 situation does not grant a right to work remotely – this is still subject to the employer's discretion.

#### **3. HEALTH AND SAFETY**

The employer is advised to comply with health and safety proposals by the federal department of labor although these proposals are not mandatory; if a workplace is not safe this is a valid reason for employees to refuse to go to the workplace.

#### **4. FURLOUGH BENEFITS**

Employers can apply for short term working benefits if at least 10 % of staff are in fact employed less than 90 % in comparison to regular working hours. If state benefits are granted the state covers between 60 – 67 % of the lost salary (under certain conditions even up to 87%) plus 100 % of the employer's costs in contributions to social security. In case of short term working 0 hours (i.e. the employee does not work at all) the state – in fact - covers all salary costs (in relation to the reduced salary). However, employers cannot send employees on furlough one-sidedly; it requires an individual or collective agreement to implement short time working.

## 5. COVID-19 AND HEADCOUNT REDUCTION

COVID-19 does not automatically justify terminations; moreover, the company needs to justify a termination for operational reasons the same way as without COVID-19. If employees are on furlough a headcount reduction is even more complicated.

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