

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

### **USA California – Troy Gould**

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

Employers in California cannot require employees to work at a workplace that poses an imminent hazard to their health due to COVID-19. In addition, employees are entitled to take time off from work if they have COVID-19, are caring for a family member with COVID-19 or are caring for a child whose school has been closed because of COVID-19.

#### **2. RIGHT TO REMOTE WORK**

U.S. and California law do not specifically provide a right to remote work to individuals affected by COVID-19. However, employers may be required to make “reasonable accommodations” to workers who suffer a disability.

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

California law requires employers to develop a disinfection and safety plan for the workplace. The state has authority to shut down a worksite that poses a hazard to employees due to COVID-19. Employers in California must notify employees if they may have been exposed to COVID-19.

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

Under the Paycheck Protection Program, the federal government financed low interest loans for employers who agreed to use a portion of the funds for payroll costs. The loans were forgiven if the employer could demonstrate that it did not lay off employees. The federal government and the state of California have also extended

unemployment benefits and (limited) paid leave to workers who are fully or partially unemployed as a result of COVID-19, or who need to miss work to care for children whose schools are closed because of COVID-19.

## 5. COVID AND HEADCOUNT REDUCTION

Employment in California is at-will. An employer does not need a justification to terminate employees, although it is unlawful to fire an employee for discriminatory reasons or because he or she is ill. However, employees are entitled to sixty days' notice in the case of a plant closing or a mass layoff affecting fifty or more employees. California has suspended the sixty-day notice requirement where the plant closure or layoff was caused by COVID-19 and there was not sufficient time to provide regular notice.

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