

Returning to work during the state of alert - what employers need to know

The past week has been marked by a flurry of regulations on when and how employees may return to work after the lapse of the state of emergency on 14 March 2020. In such fast-changing legal environment, it becomes increasingly difficult to keep track of, and aware of the relevant requirements in real time. This note seeks to summarize the most relevant obligations for employers (primarily) and employees when resuming work in the workplace.

On 18 May 2020, Romania transitioned to a new state of alert through Government Decision no. 394/2020. The state of alert will last for the next 30 days. Additional regulations were issued to institute measures for the prevention of SARS-CoV-2 contamination and for ensuring health & safety when carrying out activities in the workplace, during the state of alert.

We have summarized below the key measures to be implemented at the workplace.

i. With respect to the organisation of work

→ Employers shall evaluate and decide on what activities/sectors of activity may be continued and/or adapted, depending on their specificity and available resources, and shall implement necessary measures for resuming and/or maintaining the activity, with the observance of relevant prevention measures, including work from home or telework. Despite the relaxation of certain restrictions during the state of alert, working from home and teleworking may remain the more feasible or practical option for some employers. In this case, employers may decide, subject to the employee's consent, to implement such alternative working structures.

→ Employers may implement phased-out working schedules for employees (especially for vulnerable groups) in order to limit direct contact between employees, but without affecting the length of the regular working hours.

→ That said, employers hiring more than 50 employees have the obligation to establish phased-out work schedules, without the need to obtain employee consent, so that the start time and end time take place in intervals of at least 1 hour, for at least 3 hours, in tranches of at least 20% of the personnel.

ii. With respect to health and safety measures

Employers must:

→ conduct epidemiologic triage through temperature screening and symptoms observation, for both employees and visitors;

→ assign a person responsible with the epidemiologic triage;

→ inform employees on maintaining rigorous hygiene (using soap and water for at least 20 seconds, avoiding touching of the face with unsensitised hands, sneezing in the elbow pad or using a disposable napkin) and on limiting contact with others to maximum 15 minutes, at a distance of at least 1.5 meters;

→ reinstruct and inform employees who have returned to the workplace after a period of working from home or telework on health & safety measures and related risks;

→ ensure constant communication with the doctor/medical service provider responsible for occupational medicine, in order to monitor the employees' health;

→ initiate and conduct consultations with employees' representative(s) holding specific health & safety responsibilities and/or members of the Health & Safety Committee at the company level;

→ inform employees, primarily via electronic means, on the risks of virus contamination, protection measures, social distancing rules applicable at the company level, as well as management of cases involving employees or other persons having access to the workplace who do present CoV-2 symptoms;

→ review the prevention and protection plan in accordance with the legal requirements.

Employees must:

→ immediately inform the employer if they manifest COVID-19 symptoms or have manifested COVID-19 symptoms before the start of work (in which case employees shall remain at home and inform the employer in this respect;

→ wear masks at the workplace;

→ submit themselves to temperature screening at the workplace.

iii. With respect to workplace

→ Mandatory conduct rules for both employees and visitors shall be displayed at the entrance into the workplace and in the most visible places;

→ Employees shall be informed on the requirement to maintain a social distance of at least 1.5 meters in all public areas; access to common area shall be restricted;

→ Employer shall mark and implement specific access paths, as well as movement paths for the employees in order to avoid crowding;

→ Employer shall issue internal rules for mitigating ad hoc gatherings of individuals inside the premises;

→ Access of individuals showing COVID-19 symptoms to the premises shall be forbidden;

→ In public places, strips marking the recommended distance (1.5 meters) shall be installed;

→ Air ventilation of the premises shall be ensured at least once a day;

→ Employers shall ensure phased-out lunch breaks, while observing the minimum distance of 1.5 metres.

For more information on the above, please contact **Cristina Popescu, Ruxandra Georgescu and Alexandra Voinia**.