

Frequently asked questions about the coronavirus (COVID-19) Employers

This document was last revised on the 9th of April, 2020.

Table of Content

Questions about the workplace	3
Questions about preventive actions	5
Questions about sickness registrations	7
Other rights and obligations.....	10

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.

Questions about the workplace

Which employees should I exclude from the workplace?

Suspicion of the coronavirus in an employee or one's family members is sufficient reason to exclude the employee from the workplace. The Dutch Data Protection Authority (AP) indicates that employees with cold or flu symptoms may be sent home. This is also allowed if you are in doubt as to whether an employee has these symptoms. You may report directly and repeatedly that those who meet one of the following criteria are temporarily disinvited and are requested not to enter the workplace. Repeat this at every initial contact and request to turn any meetings into meetings by telephone.

Keep away from the workplace any person who:

- has mild respiratory symptoms (nose cold, coughing, sore throat) and/or fever.
- has had close contact with a person with respiratory symptoms and/or fever (a sick person).

Close contact means:

- Being within two metres of a sick person for fifteen minutes.
 - Sharing a living space with a sick person.
 - Physical contact with a sick person (such as shaking hands).
- has returned from abroad in the past fourteen days.

If staying at home after close contact is not possible, provide an individual workplace and let this employee avoid contact with colleagues. Clean the workplace after use by the employee with regular cleaning products. As soon as this person has (emerging) health complaints, the urgent request is that this person enters home isolation. If a person one cohabitates with has complaints that get worse (with fever and/or shortness of breath), every cohabitor without complaints should stay at home. In that case, too, it is best to keep these employees away from the workplace for the sake of the health of other employees.

My employee is infected with coronavirus (COVID-19). What should I do?

If you have a person within your organisation who meets WHO's case definition of COVID-19 and/or has been identified by a doctor or the GGD as infected, we recommend the following measures:

- Send the employee in question home immediately; the employee may return if one and one's family members are completely symptom-free for 24 hours.
- Ventilate the room(s) where the employee has been for half an hour.
- Clean and disinfect all contact surfaces (e.g. tools, keyboard, stair railings, lift buttons) with regular cleaning products.
- Consult with the GGD and inform your occupational health and safety service.
- If possible, make a log of persons with whom the employee in question has had close contact (physical touch and/or within 2 metres for 15 minutes). Always consider whether it is necessary to keep a log in order to protect (the health of) your employees and take into account the privacy of the infected employee when making the log.
- If possible, keep employees with whom the person has been in close contact from the workplace preventively for a period of fourteen days. Always consider whether it is necessary to conduct a contact study in order to protect (the health of) your employees and do this as anonymously as possible.

- Make an anonymised announcement to all employees with:
 - An extra call to be alert for respiratory complaints.
 - Information about the measures taken/to be taken by you.
- Pay special attention to concerns among vulnerable employees and high-risk employees.
- If there is much unease among employees, consider a short-term (preventive) closure of the site.

Who belongs to the group of employees with vulnerable health?

Workers with vulnerable health (vulnerable workers according to the RIVM definition) have an increased risk of a serious course of illness if they become infected with the coronavirus. This means that they are more likely to suffer serious complications, have longer recovery time and a higher risk of death. Therefore, these vulnerable workers need extra protection against infection with the coronavirus: at home and at work. Vulnerable workers should completely avoid large groups and travel by public transport. In any case, this group includes:

- People who are 70 years of age or older.
- People who have chronic disease/disorder.
- Pregnant employees (we follow the Netherlands Centre for Occupational Diseases, which assumes extra protection for this group pursuant to Article 1.42 of the Working Conditions Decree).

Your employee does not have to share medical information with you, as this is confidential information. The company doctor has medical confidentiality and can assess the state of health of and risk to your employees. Then, the company doctor can advise you on the measures to be taken and how to deal with vulnerable employees in relation to the work they do.

When can a sick employee return to work?

Employees who have been ill and who subsequently have fully recovered can return to work when they have remained free of symptoms for 24 hours.

If an employee is not sick oneself, but a cohabitor/member of the household has symptoms that become worse (with fever and/or shortness of breath), all cohabitators/members of the household without complaints must stay at home until 14 days after the last unprotected contact with the sick person. They are allowed to leave the house for necessary groceries.

If a person and one's family members do not develop any symptoms of illness within the incubation period of fourteen days, it is likely that there is no longer any risk of infection and the employee can return to the workplace – subject to all measures and if working from home is not possible. However, if a family member of the employee does fall ill, the incubation period of the employee will start again.

Should these employees return to work, however, their colleagues may still experience anxiety. Please pay attention to this, by informing said colleagues beforehand and comforting them. If necessary, call in the help of external professionals, such as a company doctor or company social worker.

Questions about preventive actions

Can I still have my employees travel abroad?

The government currently discourages all trips abroad (unless they are necessary, i.e. the travel advice does not apply to the transport sector and transport of goods) and no longer uses the term 'risk areas.' This term suggests that safe or virus-free regions still exist. This is currently no longer the case: the whole world is colour coded orange due to the spread of the coronavirus. The measures announced by governments often have far-reaching consequences for travellers. Keep in mind that circumstances in a country can change rapidly at the moment.

The government provides [special assistance abroad](#) for all Dutch citizens. We advise you to allow employees returning from abroad to work at home preventively for 14 days upon return. If you currently have employees who are abroad or who are going on a necessary trip, we advise the following:

- Ascertain whether it is necessary to recall employees now.
- Keep in mind that borders can be closed ad hoc, causing travellers to get stuck.
- Keep in touch with employees who are going abroad or have gone abroad.
- Let travellers take extra care of good hygiene and realise that hygiene products are no longer available everywhere in the world.
- Take into account insufficient availability of medical facilities, due to the expected overload of (possibly underdeveloped) healthcare.

Is it useful to test my employees preventively?

Employers are not allowed to screen for coronavirus using temperature checks or questionnaires. This is due to legal objections from the General Data Protection Regulation (GDPR). The Dutch Data Protection Authority (AP) makes an exception for employers in the healthcare sector. According to the AP, they are allowed to check their employees for corona. The AP does not make it clear what is meant by 'healthcare.' It probably only concerns the curative healthcare sector where it may be necessary for employers to test their employees, for example in hospitals. However, an employer is allowed to communicate clear instructions to employees that they are expected not to enter the workplace should they have coronavirus-specific symptoms.

It bears mentioning that temperature measurements at the door are not reliable. Internationally, these are frequently carried out with infrared thermometers where no touch is required. However, this temperature measurement is only reliable after the person in question has been acclimatised for half an hour.

The employee who takes temperature measurements is unnecessarily exposed to frequent contact. You could consider providing this employee with protective clothing. However, this is also undesirable given the shortage of protective clothing in regular healthcare.

What preventive measures can I take?

Hygiene measures

It does not have a protective effect to have employees who are not trained in their use wear mouth masks or gloves. There is even evidence that these means can lead to increased spreading when not used properly.

Inform employees about personal hygiene measures:

- Post reminder notices at the entrance, lunchrooms, and toilets.
- Touch the eyes, nose, and mouth as little as possible.
- Cough and sneeze on the inside of the elbow and use paper tissues only. Discard them immediately after use.
- Provide resources for good hand hygiene:
 - Regularly wash hands with water and soap and dry with disposable paper towels. Call attention to the washing instructions of the RIVM.
 - Use hand alcohol with moisturiser if there is no possibility to wash your hands.
- Clean contact surfaces with regular cleaning products several times a day: handles, handrails, light switches, lift buttons, counters, tools, keyboards, computer mice, telephones, taps, soap holders, sinks, toilets, etc.
- Be mindful when washing tableware and cutlery with water and soap; preferably use high temperature in the dishwasher.
- Ensure good ventilation and perform maintenance on your air conditioning system. In theory, virus droplets are too heavy to be sucked in.

Social distancing: reducing contact with others

If working from home is not possible at all for your employees because of their position, you should take appropriate measures. You should reduce the number of contacts and increase the distance between people.

- Avoid touching and do not shake hands.
- Employees must be able to keep a distance of one and a half metres from each other.
- Limit meetings in time, frequency, and number.
- Work in different rooms of an available building.
- Spread your opening hours and the hours that people work and take breaks.
- Limit travel movements.
- Use the lift with no more than two people at the same time and encourage stair climbing.
- Ventilate the work areas well.
- Schedule meetings as online, video conferencing or by phone.
- Cancel all events or allow them to continue without an audience.
- Talk to employees in non-critical positions, such as interns.

Does it make sense to wear a mouth mask or gloves as protection against the virus?

It does not have a protective effect to have employees who are not trained in their use wear mouth masks or gloves. There is even evidence that these means can lead to increased spreading when not used properly.

What can I do with planned events?

Cancel all events or let them continue without an audience.

Questions about sickness registrations

Situation. Your employee is:	Register as sick?*	What can you do?
Unable to work due to health problems.	Yes	Call in the company doctor in good time for advice and consultation
Unable to work due to health problems caused by the coronavirus.	Yes	Call in the company doctor in good time for advice and consultation
Able to work, but not allowed to perform one's work due to illness or disability.	Yes	Facilitate work(ing from home). Consult with the company doctor about suitable work.
Able to work, but not allowed to come to work because of government measures.	No	Facilitate work(ing from home). Appeal to the NOW scheme.
Able to work, but put in isolation/quarantine by the GGD.	No	Facilitate work(ing from home). Appeal to the NOW scheme.
Able to work, but does not want to come out of fear of contamination.	No	Use normal leave schemes, such as holidays.
Able to work, but needs to take care of a sick person.	No	Use normal leave schemes, such as short-term care leave.
Planning to report sick to prevent financial damage to my organisation.	No	Appeal to the NOW scheme, if possible.

My employee is infected with the coronavirus, but they have no or mild symptoms, and can still work. Can I register them as sick now?

No, you cannot register them as sick. According to government regulations, your employee must stay at home. Is working from home not an option? Then first consult with your employee about a solution. If there is no solution, we consider it likely you will have to continue paying the employee's wages. The law states that if no work is performed, there is a right to salary unless the employee is responsible for not performing work. In this case, the non-performance of the work is not the fault of the employee.

My employee is infected with the coronavirus, has complaints, and cannot work as a result. Can I register them as sick?

Yes, you can. If your employee is infected and is too sick to work because of the symptoms, you can register them as sick.

The GGD has given my employee mandatory quarantine, but they are not ill. Can I register them as sick?

No, quarantine is no reason for this. In principle, they are not unfit for work and they are also allowed to work from home. If your employee is unable to work from home, first consult with your employee about a solution. If there is no solution, we consider it to be likely that you will have to continue paying the employee's wages. The law states that if no work is performed, there is a right to salary unless the employee is responsible for not performing work. In this case, the non-performance of the work is not the fault of the employee.

My employee has a cold. Can I register them as sick?

No, colds are insufficient cause for that. However, based on government advice, your employee is obliged to stay at home. Is working from home not an option? Then first consult with your employee about a solution. If there is no solution, we consider it to be likely that you will have to continue paying the employee's wages. The law states that if no work is performed, there is a right to salary unless the employee is responsible for not performing work. In this case, the non-performance of the work is not the fault of the employee.

My employee cannot work from home but still wants to stay at home because they are afraid of catching the coronavirus. Can I register them as sick?

No, you cannot. Preventive staying at home without complaints in a safe work situation is insufficient reason for this. Consult with your employee and explain what measures have been taken to limit possible infection. If this does not take away your employee's concerns, you can discuss together whether they had better make use of their holiday time. If you still cannot find a solution and your employee does not come to work, they may be considered to be refusing to work. However, whether or not work is refused depends on circumstances and must, therefore, be assessed on a case-by-case basis.

Due to government measures, our company has been closed down. My employee works from home because of them and now, they have fallen ill. Can I register them as sick?

Yes, you can. If your employee cannot work due to illness, you can register them as sick.

What if my employee's partner or children are sick and need to be cared for at home? Can I register my employee as sick?

No, you cannot, but the Work and Care Act stipulates that the employee is entitled to short-term care leave in order to be able to provide the necessary care. This is a maximum of two working weeks per year, at 70% of regular 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.

What should I do if my employee does not have out-of-school care for their child(ren)?

In this situation, the employer and employee have a responsibility to find a solution together. The employee must do their best to organise out-of-school care. As an employer, you can give the

employee 1 or 2 days to arrange this (emergency leave). If this is not possible, the employee can take days off or see if other forms of (unpaid) leave are possible, such as parental leave.

My healthy employees cannot come to work because of government measures, but they can work from home. Can I register them as sick?

No. Preventive working from home without the employees being sick is not included in the concept of sick leave. If it is a result of a government measure, it cannot be at the expense of the employee and the employer must continue to pay their salaries.

What should I do if employees are not sick, but I no longer have work for them (because I had to temporarily close my company due to government measures)?

If there is no more work for your employee(s), you are obliged to continue to pay their salaries. You may be able to appeal to the Temporary Emergency Bridging Measure for Sustained Employment ([Noodmaatregel Overbrugging voor Werkbehoud - NOW](#)). As a result of this emergency measure, employers can apply for a substantial contribution towards wage costs and receive an advance payment for this from the UWV. This way, employers can continue to pay employees with a fixed and flexible contract. Specific requirements apply to qualify for the NOW. The details of the scheme are currently being worked out and will be announced shortly.

Can I ask my employee if they have caught the coronavirus when they call in sick?

No, you cannot. You mustn't ask employees about their clinical picture. Chances are they will tell you spontaneously in this case, because it is such a special situation. Please note: even if told, you are still not allowed to record the response. Although this is an uncommon situation, it is not permitted to record data about the nature and cause of employees' illness when combating the coronavirus.

Can I inform my employees which other employee is infected with the coronavirus?

No, you cannot. Per privacy laws, you may not share employee health information with other employees within your organisation. Even if your employee indicates they would not mind if you should share this information with other employees, privacy laws do not allow you to do so. Exceptions may be conceivable, in which case – to protect the health of your employees – measures must still be taken from which it could be deduced which employee is infected with the coronavirus. Consider sending the infected employee home if they have a cold or the flu. At the moment, the AP or RIVM does not yet have any concrete details of cases to which this applies. If more were to become known about this, we would, and shall, adjust this FAQ accordingly. For each specific case, the employer will have to carefully weigh up the privacy interests of the employee and one's obligation to guarantee a safe workplace.

How does sickness registration work?

If your employee is unable to work due to illness, please let us know. 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.

What is the role of the company doctor?

The GP determines – in consultation with the GGD – the policy if there is a possible case of corona (diagnostics and treatment). The company doctor does not play a role in this. The company doctor can advise on (company-specific) preventive measures to prevent contamination and on appropriate measures should one of the employees become infected. Naturally, this is in line with the applicable national guidelines. For more information, please see our employer's advice.

What is the impact of corona on absenteeism figures?

As a result of the coronavirus, the number of absenteeism reports increased by more than 30% in March 2020. Within SMEs, this percentage is as high as 60%. ArboNed and HumanCapitalCare base this on an analysis of absenteeism.

Other rights and obligations

My employee has taken holiday leave, but due to the current circumstances, the holiday has been cancelled. My employee wants to withdraw their holiday leave, but we presently have less work to offer them. Consequently, I want to hold the employee to the previously agreed leave. Can I do that?

At the request of the employee, you determine their holiday period. You do not have to accept that work will still be done. Only if the employee would be sick, it would not cost them any off days. However, it is advisable within the framework of good employer-employee relations to talk to each other and try to find a solution that works for both parties.

What do I do with current and new (reintegration) projects?

Your company doctor continues to provide analyses and advice and as an employer, you have the obligation to carry these out as well as possible. Due to (the measures surrounding) the coronavirus, you may not be able to carry out a (reintegration) project for individual employees. Make a clear note of this in your records, such as the Plan of Action. What measures have you been unable to implement and why not? For other questions, we refer you to the UWV.

My business operations have been affected and I cannot let my employee resume work as per the company doctor's advice. As a result I do not want to carry out a partial recovery. Is that allowed?

No, it is not. The partial recovery must be carried out. Motivate in the Plan of Action that resumption of work is not possible due to the corona crisis.

Am I obliged to draw up a working-from-home agreement if my employee has to work from home due to government measures?

Concerning working from home, a separate working-from-home agreement is not necessary. As an employer, however, you do have a duty of care, which also applies when working from home. On our website, you will find many tips and points of attention regarding working from home.

What am I, as an employer, obliged to facilitate regarding working from home?

According to the Working Conditions Act, the employer has a duty of care regarding healthy and safe working. The duty of care also includes providing a good workplace (regardless of where this



workplace is located). You can fulfil this duty of care in more ways. Start with good instructions for the setup of the home workplace. Even in these times of corona, our occupational health and safety service can provide (home) workplace advice. Some companies offer the option of temporarily using office equipment in the home workplace.

In its advice 'working from home where possible,' the government states that the possibilities should be considered in reasonableness and fairness. If 80% of the employees work from home, there is enough space in the office to offer the other employees a workplace well away from each other.

It is wise to inform employees working from home about the rules. Make good agreements with employees about working from home. Think of making agreements about breaks and maintenance of computers, equipment or machines.