

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

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Table of Content

Questions about the workplace	3
Questions about preventive actions	6
Questions about sickness registrations	8
Other rights and obligations.....	12

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Questions about the workplace

Which employees should I exclude from the workplace?

An employer is responsible for providing a healthy and safe working environment. Therefore, suspicion of the coronavirus in an employee or one's family members may be sufficient reason to keep the employee away from the workplace. You may report directly and repeatedly that individuals who meet any of the points below are temporarily not welcome and are requested not to enter the workplace. Repeat this at every initial contact and request for any appointments to be converted into telephone appointments.

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.

The government has identified crucial professional groups and/or vital processes and sectors. However, everything possible must be done for these professional groups and processes too to follow the government measures. For more information, please see the employees' and employers' advice: 'Crucial professions and vital processes.'

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

If there is a confirmed corona infection in the workplace, we recommend the following:

- If the person had complaints during attendance at the workplace, take the actions listed under 'Sick person at work' in the coronavirus advice for employees and employers.
- Handle the privacy of all those involved with care.
- Ask the GGD for advice and inform your occupational health and safety service.
- 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 an outbreak of the coronavirus through your workplace, keep your pregnant employees away from the workplace, if possible, until the situation is fully under control.
- If you wish to have employees tested through your health and safety service and you are a customer of ours, this will be possible from the beginning of July. See the chapter '[Corona testing through your occupational health and safety service.](#)'

It is important that your workplace is safe for all those present and that a possible contamination of several colleagues (simultaneously) is prevented. You can choose to conduct your own version of source and contact research and create a logbook of employees who have been at risk of infection. In doing so, treat the privacy of all those involved carefully. You look for the persons with whom the

corona patient has had contact through your workplace during their contagious period. That contagious period starts two days before the first day of illness (the first day on which symptoms arose) and ends when the patient is symptom-free for 24 hours and at least seven days after the first day of illness. There is a risk of infection if, within the contagious period, there was:

- physical contact (or coughing/sneezing closeby).
- being in a confined space with that person for 15 minutes.
- being within two metres of that person for 15 minutes.

We advise you to keep away from the workplace preventively for fourteen days employees to whom one of the criteria above applies. The [RIVM has drawn up letters](#) (Dutch) with the precepts for patients, their housemates and (close) contacts. These letters are also available in German, English, and Turkish.

Who belongs to the group of employees with vulnerable health?

Employees with vulnerable health (vulnerable employees according to the RIVM definition) have an increased risk of a severe disease course 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 employees need extra protection against infection with the coronavirus: at home and work. Your occupational health and safety service can help you assess the risks of the workplace and the (individual) employees. This group includes, in any case:

- Pregnant employees: all pregnant women have fragile health, which you should take into account (precautionary principle). From the third trimester (28 weeks), pregnant women are exempt from work involving direct contact with persons or materials contaminated by the coronavirus. During an outbreak of the coronavirus at your workplace, we advise you to ban all your pregnant employees temporarily from that workplace.
- (Chronically) ill employees: the risk must be assessed on an individual basis.

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?

If no test has been performed or there is a negative test result, it is recommended to recover at home until the sick person is symptom-free for 24 hours.

How long it takes for a former COVID-19 patient to return to work depends on the severity and type of symptoms. The employee who tested positive remains at home until at least 7 or 14 days after the start of the complaints, and until they are fever-free for 48 hours and complaint-free for at least 24 hours. Please note: COVID-19 is a disease that has a slow recovery with complaints like extreme fatigue and concentration problems. An employee may overestimate themselves and want to do more than is medically wise. The company doctor can advise you and your employee about the reintegration possibilities.

Should these employees return to work, however, their colleagues may experience anxiety. If necessary, call in the help of external professionals, such as a company doctor or company social worker.

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.

How do I support my employees in working mentally healthy at home?

One of the most frequently heard complaints of people who work from home for a longer period - or for whom working from home is not their own choice - is the lack of social contacts and a loss of connection. Some people even experience a considerable degree of social isolation. They can feel lonely and even experience emotional complaints, such as gloominess or depression.

Social support (from colleagues and the manager) is an important source of energy at work. Social support involves several things. It is the appreciation you get from your manager, but also the help a colleague offers when you are struggling with a problem. It is the sociability that people experience in the workplace. This source of energy is largely lost when social interaction in the workplace is lost. The new technology can make up for a lot. Stay connected by using alternative means of communication, such as video calls for meetings and WhatsApp groups.

Working from home reduces the visibility of the work. Employees are no longer physically present for 8 hours. This can feel liberating because employees can arrange their own time, but it also has a downside. If an employee closes one's laptop at home at 5 p.m., no one has seen that one has actually worked a full day. Nobody wants to be seen as someone who cuts corners, so people tend to work more hours. This can sometimes take on extreme forms, when employees call and email each other until late in the evening, putting further pressure on the work-life balance. Managers have an important role to play here.

Questions about preventive actions

Can I still have my employees travel abroad?

Increasingly more countries are lifting restrictions for travellers. For countries with an orange colour code, all non-essential travel is advised against, and it is urgently recommended to observe a 14-day quarantine upon (re)entry into the Netherlands. A corona test cannot shorten this recommended quarantine period. For countries with a yellow colour code, this quarantine request does not apply. However, please note that yellow can turn orange during the stay. Prime Minister Rutte indicates that there will be no more repatriation due to corona measures and several travel insurances have adjusted their coverage.

If an employee wishes to travel to an area that is subject to safety risks, this cannot be prohibited in principle. If an employee wishes to travel to an area at risk to which negative travel advice applies (the red colour code according to the Ministry of Foreign Affairs), this may have consequences for the employee's right to salary.

Can I perform preventive temperature measurements on employees?

Temperature measurements at the door are not reliable nor desirable. It is frequently used internationally 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. Also, the employee who takes the measurements is unnecessarily exposed to frequent contact.

When offering temperature measurements of employees, you as an employer must always balance these two:

1. The privacy interests of the employee. The A.P.'s position is that temperature measurements are only permitted if only the temperature is read and no data is stored or processed in any other way. In that case, the GDPR does not apply.
2. Your duty as an employer to ensure a safe workplace. As far as the safety of the workplace is concerned, a temperature measurement does not contribute to this in the case of the coronavirus.

If you intend to perform temperature measurements, it is wise to discuss this with your Works Council or employee representative body. It is also wise to inform your employees about your policy concerning temperature measurements so that there is no ambiguity about this among your staff.

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.

- Create a fixed work schedule where there is less overlap between colleagues.
- Avoid touching if possible, 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?

In general, wearing personal protective equipment has no added value in situations where they were not used before the coronavirus. However, we see that policy changes occur under the influence of social pressure. Wearing mouth masks or gloves by staff that is not trained in this does not have a protective effect. Without careful instruction and training, these means lead to a bigger spread because they are often not used properly. Wearing gloves for prolonged periods is also harmful to the skin. Since June 1, 2020, the government has made non-medical mouth masks compulsory in public transport, explicitly because it has no other choice there. It is not possible to keep a distance of 1.5 metres, there is prolonged contact in an enclosed space, and a screening questionnaire is prohibitively impractical. The medical, scientific basis for wearing non-medical mouth masks is thin. The government has given instructions on non-medical mouth masks, such as how to make them, that they should only be worn for three hours, a clean mouth mask before each trip, and washing them at 60 degrees Celsius after use. These mouth masks only protect the transfer from you to others and not the other way around.

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	If possible, use the financial support measures the Government made available.

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?

According to government regulations, your employee must stay at home. You cannot register them as sick if they can still perform their work from 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.

Incidentally, the UWV regards this case as incapacity for work, where the employer can sometimes [apply to benefits under the Sickness Benefit Act](#) at the UWV for the employee. The UWV only accepts the application if the employee is unable to perform one's work at home. For more information about the right to a benefit under the Sickness Benefit Act, we refer you to the UWV.

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.

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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.

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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 Government's support measures. As a result of these support measures, 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 support measures. For more information, please visit the website of the Government or the UWV.

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. As with sending the infected colleague home when one has a cold or flu, your employees might be able to tell which employee is infected with the coronavirus. 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?

Your occupational health and safety service and company doctor can advise you on measures to limit health damage and associated complications and to continue the work within your organisation as much as possible. This with attention to the welfare of employees, the welfare of third parties, and business continuity.

Due to the great need for corona tests and traveller health declaration forms, we will start a new service at the beginning of July: the COVID-19 priority tests. We are doing this in collaboration with HetHuisartsenlab: a recognised and trusted laboratory accredited by the RIVM that performs independent coronary diagnostics. In collaboration with HetHuisartsenlab, we will be offering the following corona tests from the beginning of July:

1. PCR test: detection of active disease.
2. PCR test: exclusion of active disease plus a traveller health declaration form.
3. Antibody test: when the infection is over.

What is the impact of corona on absenteeism figures?

We see the effects of corona on absenteeism. ArboNed and HumanCapitalCare monitor these figures and report current developments on their website. We would like to refer you to those sites for the most up-to-date information.

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.

Can I oblige employees to take holidays?

No. You can ask, but not oblige.

What if employees request holidays after this period of restrictions has expired?

Fundamentally, you must give permission for this, unless there are compelling business interests that do not allow it. The corona crisis is an extraordinary situation. As a result, there may be severe business interests based on which you, as an employer, cannot allow holidays to be taken in a certain period. This must be assessed on a case-by-case basis and depends on the specific circumstances.

Can I adjust the contract and/or terms of employment if there is less work or no work for my employees?

Unilaterally changing terms of employment without the consent of the employee is not legally possible just like that. Justice often does not consider financial reasons sufficient to bring about the change. This might be different if the company finds itself in a financial emergency.

However, an employee can agree to a change in one's employment conditions. Therefore, whether you receive such an agreement always depends on the individual employee. You cannot force them.

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 more information, please consult the Addendum: Wet verbetering poortwachter i.v.m. COVID-19 on the UWV website.

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.