
Lawful & Effective Practices by Multinational Employers during COVID- 19 Pandemic

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COVID- 19 has globally impacted the existing setup of the world. There has been a dramatic impact on the workers & workplace and organizational psychology. This article brings out the various types of actions taken to alleviate the impacts of the pandemic. There were a number of key good practices implemented by the employers around various countries as per their prevailed jurisdiction to mitigate in connection with COVID-19. This book acts as a guide for the employees to manage HR legal and practical issues arised due to COVID-19. It mainly explains three things: -

- Good practice guidance providing high level consideration.
- The course of action in detail to be implemented.
- Answers to various queries faced by employers in selected countries.

There were few important heads which were implemented as a standard operating procedure based on the advisory issued by the respective government & WHO. The first and foremost advice was to have access to accurate information and be up-to-date with relevant and correct information.

The second practice is to have known about where an employee is moving in various parts of the world, so that they can track their employees with a view to keep them secure.

The third on is that the employers and employees communicate openly to build trust and minimize the spread of rumors to reduce the anxiety at the workplace.

Employers should provide employees a safe working environment to have relaxed mental health. This will build a trust between employers and employees.

It is the time of uncertainty so the employees should be treated in a well manner. The employer's should try to create a strong image so that they can attract more employees and retain them. They should be flexible as per the requirement of time.

The employer should try to have a customized approach and be conscious as one size may not fit all. The implementation of any directives should be verified as per the legal constraints and under the contract of employment and prevailed law.

The General steps an employer needs to take comes under four categories: -

REVIEW, COMMUNICATE, UPDATE & TRAVEL.

Review: -

- Review business plans and how it can be managed if employees is under coronavirus absences.
- Review existing medical policies. Is there any need to amend it?
- Review the contract of employment. Is it relevant enough that an individual should be asked to carry different responsibility from different places at a different time slot.
- Review the emergency communication platform. If any individual got infected then the temporary closure of workplace. So that the process is as per expectation or not?
- Review the contact details of all the existing staff and make sure it is up-to-date.
- Do the risk analysis of those employees who have higher risks in their job profile and try to evaluate that sufficient measure have been taken to reduce their risk or not.
- Review the existing setup of cleanliness to reduce the effect of virus.
- Identify the key job responsibilities to be carried on during emergency and plan for the possibility of large scale absenteeism.
- Review the existing IT infrastructure of employees to work from home.

Communicate: -

- Identify a proper person or spokesperson for updates on policies.
- Try to establish or form a health & safety committee to have discussions on COVID-19 and its potential impacts.

- Identify high risk groups and ensure that they should be aware with their high-risk status and the appropriate measure taken to assist them.
- Managers should be aware about the prevailed workplace policies.
- Communicate a guideline to employees to identify any person who is affected from corona virus. What are the different symptoms, and what one should do if he or she get ill at workplace or at home.
- Advice individuals to take care of their own health & safety.

Update: -

- Try to keep an up-to-date record of, at what speed the infection is spreading.
- Create an on-line platform for employers to communicate employees regarding the update and speed of corona virus spread.

Travel: -

- Check employees travel and before booking check it against the latest travel protocol.
- The employees should follow the travel protocols for both personal and business related travel.
- Try to have communication through video conference/ telephone rather than face-to face meetings.

The author has mentioned the prevailed HR practices as per the law of the respective countries. The details are mentioned below.

Brazil: -

The Brazilian government has issued several measures to deter the spread of corona virus. The government framed several Acts to deal with the emergency. The employer's should ensure a healthy workplace, the employees were recommended to go through complementary examinations that have symptoms of COVID-19.

The Brazilian Sanitary & Health Authorities recommended employers to provide facilities for remote area work with the employees consent. The Brazilian government implemented several law changes to enable employers to suspend employment temporarily, revise workload and wages and reduce employment related cost. The federal government made provision to supplement employee's income through emergency benefit. The employees were also given rights to lawfully refuse to attend work or request for termination of employment.

France: -

Many places in France were shutdowns which were not essential like cinemas, bars, shops. There was a prohibition on meeting of more than 100 people whether indoor or outdoor. As per the labor code & case law it is obligatory for employer to ensure the health & safety of employees at workplace. The employees were given salary even they were staying at home and top up the salary if the employees is on sick leave. If an employee is under "partial work", the employer must pay an indemnity equal to 70% of their gross remuneration. If employees get infected then they can avail 20 days leave and employer will have to top up the salary as per the law. An employee can refuse to work if there is a risk to get infected but if the employer has made all necessary arrangements regarding health & safety then the employee cannot refuse to work.

Germany: -

In Germany all preventive measures were taken to ensure the health & safety of employees under the health & safety at work Act at workplace. The Government recommended employers to prepare a detailed plan to prevent an outbreak i.e. during the outbreak and after the outbreak. If an employee get infected, then the employer can direct the employee not to attend the workplace but if large number of employees get exposed to virus, then employer can take appropriate actions of sending the workforce to home. However before that the

employer will have to inform public health authorities. As a general rule the employer is obliged to pay wages during an outbreak. Generally an employee cannot lawfully refuse to work if there is any outbreak but, if large numbers of infections have been detected than employee may refuse to work.

Hong Kong: -

As per Occupational Safety and Health Ordinance (“OSHO”) employer is obliged to practice at workplace health & safety of employees. Employee ordinance compliance provides directive to continuous payment of wages. If the employees get infected then the employer for the safety of public health may direct the employee to stay at home and the employer should continue to pay wages.

Kingdom of Saudi Arabia: -

Kingdom of Saudi Arabia (KSA) government laws and regulations obliged the employer to ensure the safety and health of their employees. The law directs to prepare a workplace COVID-19 response plan which includes enhanced cleaning procedure, sufficient availability of mask & gloves, disinfectant, proper communication strategies, proper arrangement for work and proper mechanism to deal with infected employees. Regarding the continuance in payment of wages during an outbreak the government law provides three options i.e. annual leave, unpaid leave or reduced pay for reduced working hours and if the employee rejects the above mentioned option then the employer can terminate the employment of employee. However the SANAD (unemployment benefit program) program to support the private sector employees. If employees have a reasonable fear regarding their health and safety they can refuse to work but it is subject to jurisdictional verification.

United Arab Emirates: -

The Ministry of Human Resources & Emiratisation (“MOHRE”) directed a resolution containing certain measures in the private sector to aid employers and employees. The resolution directs employers to continue to provide housing and other facilities (except base salary) till the repeal of the resolution if the employee is continuing the service. However there are certain conditions for that like work- from- home, leave with pay, temporary salary reduction (require employee consent). A workplace covid-19 response plan is very similar to that of Kingdom of Saudi Arabia. The employee can lawfully refuse to work at a workplace if there is a valid reason to fear of their health & safety.

United Kingdom: -

The employer’s of UK are mostly using the UK government Furlough Scheme (The Corona Virus Job Retention Scheme). The scheme provides a grant of up to 80% of the employee’s regular wage. If an employee is self- quarantining because of initial symptoms of the Corona virus, then the employees is entitled for sick pay policy from the very first day of self- isolation. The UK government has amended the working time regulation which directs the workers to carry up to four weeks of annual leave over the next two leave years.

United States: -

Under the occupational Safety and Health Act employer should ensure the health & safety of employees. There is no obligation from government side to prepare any separate workplace COVID- 19 response plan, however the employers have to provide employees a safe and healthy workplace which is free from any identified hazards which can cost death or physical harm. The employers should frame emergency management team (“EMT”) to address all the workplace issues arising from a COVID-19 outbreak. The work – from – Home

policy is encouraged to be practiced on an indiscriminatory manner. The federal government has taken steps to provide new sick leave laws which will support workers impacted by COVID- 19.

Vietnam: -

In accordance with the Occupational Safety and Hygiene law, the employers should ensure workplace health & safety of employees. The Vietnam employers have no obligation to frame a workplace COVID-19 response plan. If employees get infected then the employer may direct them to work- from – home and should comply as per the contract of employment. An employee can lawfully refuse to work due to the COVID- 19 outbreak but in case of emergency services the employee cannot refuse to attend the workplace and carry their responsibilities.

Recommendations:

The book has several effective practices that an employer can implement in the organization for their employees facing the pandemic. The employer should provide a safe platform at the workplace for their employees. Now a day it is the responsibility of the employer to provide access to the relevant and updated information regarding the upcoming threat due to Corona to each and every employee. The employer should try to continue the wages of the employees as per the law. Most of the challenges can be solved with the help of these practices. Employers should understand that this is a time of stress for everyone, including employees. The time of uncertainty will pass on but employees will remember how they were treated so the organization will have to understand that the employees are the most important resource of the organization.

Conclusion:

The general guidelines for workplace COVID-19 response plan should deal with the following:

Before an Outbreak.

- Preventive Measures.
- Cleaning the workplace regularly.
- Proper indoor ventilation.
- Proper knowledge about employer's plan in the case of an outbreak.
- Availability of sufficient masks, gloves, thermometer, disinfectant and etc.

During an Outbreak.

- The employer should ensure the safety of employees at workplace.
- Efficient and speedy communication strategies.
- Proper arrangement if working from remote areas.
- Proper measures to deal with infection or death of employees.

After an Outbreak.

- Employer should ensure the fully recovery of employees before they resume their work at workplace.
- Proper rehabilitation arrangement for sick employees.
- Allow employees to work- from- home; provide annual leave or unpaid leave if sick leave has lapsed.
- Discuss with employees regarding the closure of workplace prior to closing.
- Try to explore reduction in salary or unpaid leave as an alternate option before terminating any employees.