

Dealing with the risk of Coronavirus at the workplace in Greece

On 11 March 2020, in reaction to the spread of the COVID-19 (Coronavirus) in Greece, the President of the Hellenic Republic issued a legislative act implementing measures aiming at the prevention and containment of the virus. Said measures include:

- Employers' obligation to notify the competent authorities via the ERGANI platform of any change or modification of the employees' working hours or the organisation of working time is suspended until 10 April 2020. For the duration of the above measure employers are obliged to notify changes in working hours, as well as any overwork or overtime, within the first 10 days of the following month.
- Employers may unilaterally impose a system of remote working until 10 April 2020.
- The deadlines for the payment of social security contributions and instalments of relevant arrangements may be extended by a ministerial decision that shall specify the enterprises affected and set out the details for the implementation of the above.
- Following the temporary suspension of the operation of all educational institutions, a special leave is established. Employees with children, as defined in the legislative act, are entitled to a minimum of 3 days of said leave on condition that they use 1 day of their annual leave for every 3 days of the special leave. The Greek State will subsidize part (1/3) of the employees' remuneration during such special leave.

The duration of the above measures may be further extended depending on the circumstances.

Notwithstanding the above or any other special provisions that come into force, in accordance with Law 3850/2010, employers are obliged to adopt all measures necessary for the protection of the health and safety of their employees. In light of this obligation, employers are required, inter alia, to carry out risk assessments and implement measures to avoid or minimise any risk that is identified. Collective measures of protection have priority over personal measures.

Below we answer some basic questions on the impact of the Coronavirus on employment relationships from a Greek employment and data protection law perspective.

Are employers allowed to ask their employees questions about any Coronavirus symptoms or diagnoses?

Information about any Coronavirus-related symptoms or diagnoses of employees constitutes health-related data, for which additional restrictions apply under privacy law. In principle, employers are

allowed to request from their employees to report to them any Coronavirus-related symptoms or diagnoses, on the basis of the employers' obligation to provide a safe working environment. Having said so, we consider that collection of such information in a systematic and generalised manner as regards all employees, through questionnaires or medical exams, should be avoided.

Can employers screen employees for fever or oblige them to undergo medical checks before allowing them access to the workplace?

When an employee is under a risk of exposure to the Coronavirus, the employer may ask the employee to undergo a medical examination by the occupational doctor or submit a medical certificate at the employer's expense, in order to protect the health and safety of other employees.

Can employers prohibit their employees to travel to risk areas?

Employers must take appropriate measures to make sure that the virus does not spread within the workplace and infect other employees. Such measures may include cancelling/banning business trips to Coronavirus affected destinations. On the other hand, employers may not prohibit employees from visiting such destinations for personal reasons (but could warn them against it or take other measures, such as the ones mentioned below).

Can employers require employees to inform them of personal trips to Coronavirus affected destinations?

Information on personal travels falls within the scope of employee's privacy. At the same time, however, the law obliges employers to ensure the health and safety of all their employees. Based on this legal obligation, employers may lawfully request from their employees to notify them if they have made or planned any personal trips to epidemiological risk areas. This traveling information should not include the specific whereabouts of employees, must not be used for evaluation or other purposes and should be deleted from the employer's records right after the incident is diagnosed and promptly handled.

Can the employer force employees suspected of infection to stay at home?

In case of serious indications of infection (e.g. trips to risk areas or close encounter with Coronavirus patients), the employee will have to be quarantined (e.g. at home) and should not be allowed to return to the workplace at least during the incubation period of the virus (in line with the guidelines issued by the [Ministry of Health](#)).

Do employers have to pay the remuneration of employees infected with the Coronavirus?

If sick and unfit to work, employees infected with the Coronavirus will benefit from the same protection as any other employee on sick leave.

What happens if the employer decides on its own initiative, as a precautionary measure, to temporarily close its business?

In such a case, the employees are entitled to their salary.

In the event of a lockdown imposed by the authorities are employees entitled to their salary?

This qualifies as an event of force majeure and the employer can cease salary payments.

For further information, please contact:

Rania Papakonstantinou

Partner

T (+30) 210 69 67 000

E r.papakonstantinou@zeya.com

Mary Deligianni

Partner

T (+30) 210 69 67 000

E m.deligianni@zeya.com

Established in 1893, Zepos & Yannopoulos is one of the leading and largest Law firms in Greece providing comprehensive legal and tax services to companies conducting business in Greece.

280, Kifissias Ave.
152 32 Halandri
Athens, Greece

newsletters@zeya.com
Tel.: (+30) 210 69 67 000
Fax: (+30) 210 69 94 640
www.zeya.com

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