

Q&A of the FER:

<https://www.fer-ge.ch/web/fer-ge/coronavirus>

Free translation into English of the FAQ of the FER:

What steps should the employer take?

The employer must respect the legal restrictions and **inform** his employees and customers of the recommendations of the authorities (Federal Office of Public Health, Federal Council, Council of State of the canton concerned) regarding hygiene, respect of distances, closure of establishments, etc.

What are the actions to be taken by employees?

Employees must inform their employer if they have been close to a person with COVID-19 or if they are experiencing symptoms of the virus (flu-like illness, cough, fever). In these cases, employees should stay at home (self-isolation as recommended by the FOPH).

Are employees who stay at home in self-isolation as recommended by the FOPH entitled to their salary?

Yes, according to article 324a CO (Bern scale).

Are employees who stay at home because they experience symptoms of the virus entitled to their salary?

Yes.

Can the employer ask his employees to work from home?

In view of the particular situation, the employer may ask his employees to telework, provided their activity is suitable.

What about the right to wages if the employer requires the healthy employee to stay at home and working from home is not possible?

The employer must pay full salary during this period (Art. 324 CO).

What happens to businesses and restaurants that have to close by order of the authorities?

Employers should apply for State benefits for forced partial unemployment with the Unemployment authorities and continue to pay their employees their salaries.

What happens in the event of school closures?

FER Geneva considers this to be a case of application of article 324a CO with 100% payment of the salary by the employer for a limited period of time in accordance with the Bern scale. Since a parent has a legal obligation to take care of his child, in our opinion until the age of 14 and except in special circumstances, this is justified. The question of the age limit is controversial, as the recommendations can vary and generally range from 12 to 14 years of age. However, the employee has an obligation to mitigate the damage, which implies that he or she should try to find a caretaking solution for his or her children and that, without a caretaking solution other than the parents, the parents should alternate with their children. The right to wages is therefore only given if the employee has not been able to find another caretaking solution. We consider that this solution applies in the event of school closures in both Switzerland and France.

What happens in the event of border closures?

At this time, cross-border commuters are allowed to cross the border and are therefore not prevented from coming to work. They must have their work permit to cross the border.

What documents does the frontier worker need to cross customs?

The employee must have completed the document entitled "Certificate of Exceptional Movement". Failure to present these documents may result in refusal of entry into Switzerland.

What happens if the population is quarantined?

If working from home is not possible, the rights and obligations of the parties to the employment contract are suspended. Thus, the employee does not work and the employer does not owe the salary.

Are company managers entitled to reduced working hours allowances?

No, people who set or can significantly influence decisions made by the employer, as well as their spouses or registered partners, are not entitled to reduced working hours allowances.

Recommendations made by the Conseil federal during the coronavirus :

Sickness certificate: the employer should only ask for a sickness certificate after the 5th day of absence of the employee.