



# Enhesa Regulatory Developments **COVID-19**

## Monthly Updates

October 31, 2020

Ref: Reports from October 1 to October 31, 2020

In this document you will find the newest regulations that our in-house EHS Experts have documented in the last month around the globe.

Measures are still changing rapidly globally in response to the Covid-19 virus and due to every jurisdiction's different circumstances, regulations differ greatly. With most EHS regulatory trends shifting towards gradual relaxation of lock down restrictions and modified requirements for working conditions, it is imperative to stay up to date with new developments as they are released.

We acknowledge how difficult it is for the EHS/SHE community to stay up-to-date and on top of regulations because of this. At Enhesa, staying on top of regulations has always been our priority so in order to support organizations in the best possible way we will continue to distribute **all Covid-19 related Regulatory Forecaster Service content** as broadly as we possibly can within the community.

Below are the last updates on Coronavirus related developments that the Enhesa's EHS Experts have found around the globe. These updates will help you to keep track of the rapidly changing mandatory and voluntary guidance related to this crisis.

**Want to have these updates pushed to your inbox? [Subscribe to our monthly newsletter.](#)**

Keep in mind that information is constantly developing and that employers must continue to check local authorities for the most up to date information. If you want more information on our forecaster service, please contact us below.

**Have questions or want to request our full Regulatory Forecaster Service to keep track of all emerging regulatory issues (laws, proposals, policies) in the jurisdictions you operate in? [Contact us here.](#)**

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## 1. October 7, 2020

### 1.1 The US & Canada

#### 1.1.1 US - NORTH CAROLINA Facilities operating during the COVID-19 state of emergency must continue to comply with Phase 3 reopening requirements until 23 October 2020.

**Abstract:** As of 30 September 2020, all facilities operating in North Carolina during the COVID-19 state of emergency must continue to comply with the operational requirements issued as part of Executive Order No. 169, which extends existing requirements for the reduction and prevention of the spread of COVID-19. The COVID-19 state of emergency requirements are set to expire on 23 October 2020 unless they are modified, extended, or rescinded.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it must continue to comply with general and industry-specific prevention requirements. These requirements are set to expire 23 October 2020 unless modified, extended, or rescinded.

**Analysis: Actionable Requirements** If the facility is open to the public during the COVID-19 state of emergency, it complies with applicable Core Signage, Screening, and Sanitation Requirements.

If the facility requires employees to work outside of their homes during the COVID-19 state of emergency and has not already provided employees with face coverings, it makes good-faith efforts to provide at least a one-week supply of reusable face coverings or a daily supply of new disposable face coverings as soon as possible at their place of employment.

If the facility conducts manufacturing, construction, or other listed operations where social distancing is difficult, it requires all workers wear face coverings when they are or may be within 6 feet of another person, unless they are required to wear more protective respiratory protection.

If the facility operates a retail business during the COVID-19 state of emergency, it limits customers inside the store to 50 percent of its stated fire capacity, or if no such capacity is established, to no more than 12 customers for every 1,000 square feet of total square footage.

If the facility operates a retail business during the COVID-19 state of emergency, it complies with the applicable prevention measures, such as marking 6 feet of spacing for all customer lines.

If the facility operates a retail business during the COVID-19 state of emergency, it requires all employees and customers to wear face coverings when they are or may be within 6 feet of another person.

If the facility operates a gym or other exercise facility during the COVID-19 state of emergency, it limits the number of patrons to the applicable Emergency Maximum Occupancy.

If the facility operates a gym or other exercise facility during the COVID-19 state of emergency, it requires all employees and customers wear face coverings when they are or may be within 6 feet of another person, unless either the employee or customer is strenuously exercising.

If the facility operates a gym or other exercise facility during the COVID-19 state of emergency, it implements the applicable prevention measures, such as spacing out seating and equipment so that patrons can stay at least 6 feet apart.

If the facility operates a food establishment during the COVID-19 state of emergency, it limits customers inside the establishment to the applicable Emergency Maximum Occupancy.

If the facility operates a food establishment during the COVID-19 state of emergency, it implements the applicable prevention measures, such as increasing disinfection during peak times or high customer density times.

If the facility operates a food establishment, it requires all employees and customers to wear face coverings when they are or may be within 6 feet of another person, unless seated at a table.

**What Has Changed** The requirements listed above have been reissued and extended as part of Executive Order 169. These requirements are now set to expire on 23 October 2020 unless modified, extended, or repealed. Previously the requirements expired on 2 October 2020.

**More Information** For more information see the [30 September Executive Order](#) issued by Governor Cooper.

### 1.1.2 **US – MAINE** Companies must continue to comply with COVID-19 State of Emergency requirements until 29 October 2020

**Abstract:** Effective 30 September 2020, Governor Mills issued an executive order extending the COVID-19 state of emergency to 29 October 2020. Companies must continue to comply with all COVID-19 operational requirements until that date, unless the orders are rescinded, modified, or extended. The order will likely be extended again in a future executive proclamation.

**Business Impact:** If the company is operating during the COVID-19 state of emergency, it must continue to comply with all applicable COVID-19 restrictions until 29 October 2020.

**Analysis: Actionable Requirements** If the facility operates during the COVID-19 state of emergency, it implements the applicable social distancing measures.

If the facility operates a food and beverage establishment during the COVID-19 state of emergency, it implements measures requiring customers to wear face coverings.

If the facility operates a retail facility with 50,000 square feet or more of shopping space, it implements measures requiring customers to wear face coverings.

The facility does not allow for non-employment gatherings of more than 10 people.

**What Has Changed** The requirements for operating during the COVID-19 state of emergency are now set to expire on 29 October 2020. Previously, the Maine requirements were set to expire on 2 October 2020.

**Additional Information** For more information, see the [Proclamation by Governor Mills](#) issued on 30 September 2020.

### 1.1.3 **US - WASHINGTON** Companies must comply with restrictions on prohibited gatherings, prohibited activities and certain businesses must comply with reopening requirements in order to prevent COVID 19

**Abstract:** Since 16 September, restrictions on prohibited gatherings of more than 2 persons at a time continue in force, meaning there must be at least 2 square metres of space for each person at any relevant gathering in a single indoor space or outdoor space. These restrictions are subject to certain exceptions, such as gatherings in offices and factories necessary for normal business operations, among others. Formerly affected places such as gyms must continue to adhere to re-opening requirements and gathering restrictions. Since 24 September 2020, prohibited activities are expanded to include events of more than 500 patrons, which must not be held unless these events are registered on the Events Register and have an approved COVID Event Plan.

**Business Impact:** If the company owns, controls or operates a premises in the State of Western Australia, it must ensure that it does not organise or allow a gathering of 2 or more persons in a single undivided indoor space or a single undivided outdoor space at the same time (whether or not the space is a public place), where there is not at least 2 square metres of space for each person at the gathering. Exceptions to this prohibition include, among others, gatherings at office buildings, factories and construction sites which are necessary for the normal business of those premises. If the company owns, controls or operates a premises in the State of Western Australia, it must not undertake, engage in, hold, conduct or allow a prohibited activity such as an event consisting of a gathering of more than 500 patrons to occur on the premises, unless the necessary requirements for that activity are met. These requirements include ensuring that the event is registered on the Department of Health's Events Register, there is an approved COVID Event Plan for the event and ensuring that the event is conducted in accordance with the COVID Event Plan. If the company is an owner, occupier or person apparently in charge of a formerly affected place, it must not open to the public unless the reopening requirements have been met. Formerly affected places include indoor gyms and restaurants and cafes, among other things. In order to meet the re-opening requirements, these places must complete or update a safety plan for the business as appropriate and must display a safety plan certificate in a prominent place visible to members of the public from the date of reopening until the State of Emergency ends. If the company is an owner, occupier or person apparently in charge of an indoor gym, it must not allow a gathering of 2 or more patrons in a single undivided indoor space or a single undivided outdoor space at the place at the same time, where there is not at least 2 square metres of space for each patron at the gathering. If the company was previously required by one or more of the Former Directions, meaning the Closure and Restriction (Limit the Spread) Directions (No 3), the Closure and Restriction (Limit the Spread) Directions (No 4) and the Closure and Restriction (Limit the Spread) Directions (No 5), to retain information in a register, it must retain that information until 28 days after the day on which the State of Emergency for Western Australia is lifted.

**Analysis: Actionable requirements** -Since 16 September 2020, if the company owns, controls or operates a premises in the State of Western Australia, it does not organize a prohibited gathering on the premises or allow a prohibited gathering to occur on the premises. -Since 24 September 2020, if the company owns, controls or operates a premises in the State of Western Australia, it does not undertake, engage in, hold, conduct or allow a prohibited activity such as an event consisting of a gathering of more than 500 patrons to occur on the premises, unless the necessary requirements for that activity are met. -Since 16 September 2020, if the company is an owner, occupier or person apparently in charge of a formerly affected place, it does not open to the public unless the reopening requirements have been met, including the completion or updating of a safety plan and the display of a safety plan certificate. -Since 16 September 2020, if the company is an owner, occupier or person apparently in charge of a formerly affected place, it does not allow a gathering of 2 or more patrons in a single undivided indoor space or a single undivided outdoor space at the place at the same time, where there is not at least 2 square metres of space for each patron at the gathering. -Since 16 September 2020, if the company was previously required by the Former Directions to retain information in a register, it retains that information until 28 days after the day on which the State of Emergency for Western Australia is lifted.

**What has changed** The [Closure and Restriction \(Limit the Spread\) Directions \(No 6\)](#), adopted under the [Emergency Management Act 2005](#) (the Act) came into force on 16 September 2020. The Directions revoke the previous Closure and Restriction (Limit the Spread) Directions (No 5). The State of Western Australia continues to be under a State of Emergency Declaration (SED) under the Act, the most recent [extension](#) of which has extended the SED until 15 October 2020. The Directions continue to enforce restrictions on prohibited gatherings and re-opening requirements on formerly affected places, including the completion and updating of safety plans and the display of safety plan certificates, as well as obligations to continue to retain information on registers. Since 24 September prohibited activities under the Directions were expanded to include events of more than 500 persons unless they are registered on the COVID Events Register and are conducted in accordance with an approved COVID Event Plan for the event.

**Additional information** *Prohibited gatherings* For the purposes of the Directions, prohibited gathering means a gathering of 2 or more persons in a single undivided indoor space or a single undivided outdoor space at the same time, where there is not at least 2 square metres of space for each person at the gathering. Certain gatherings are excluded from the

definition, including, among others: -gatherings at an office building, factory, mining site (including mining site accommodation), construction site or other place of work that is necessary for the normal business of those premises; -gatherings in an outdoor space, where a gathering of persons which would otherwise be prohibited may be present for the purpose of transiting through the space, e.g. Forrest Place, Perth; -gatherings in an indoor space where a gathering of persons which would otherwise be prohibited may be present for the purpose of transiting through the space, e.g. an elevator or lift; -gatherings in or on a vehicle (including a motor vehicle, boat or aircraft), unless the vehicle is being used for the dominant purpose of serving or consuming food or drink; and -gatherings at a formerly affected place, which come under separate gathering restrictions. Under the Directions, an indoor space means an area, room or premises that is substantially enclosed by a roof and a sufficient dividing structure, regardless of whether these things are permanent/temporary or capable of being opened/closed. An outdoor space means a space that is not an indoor space. A sufficient dividing structure means a wall or other structure that substantially comprises material that is impervious to air flow, is capable of being cleaned or sanitised. It is a structure that is anchored to the ground and cannot be lifted/pushed apart, and either: -reaches from the ground or floor to the ceiling (or roof if there is no ceiling); or -starts from the ground or floor and is at least 2 metres high from the ground or floor to its lowest vertical point measured from the ground or floor.

**Formerly affected places - reopening requirements** Under the Directions, a formerly affected place includes, among other things, whether operated on a profit or not for profit basis: -a gym, indoor sporting centre, wellness centre, health club or fitness centre (including a centre offering yoga, barre, pilates, aerobics, dancing or spin facilities) or boot camp; or -a restaurant or cafe (including premises selling food or drink in a food court); or -an outdoor gym. Formerly affected places must not reopen to the public unless they have complied with the reopening requirements. These requirements do not apply to outdoor gyms. In order to comply with the reopening requirements, businesses must complete or update a safety plan as appropriate, before the place opens to the public for purposes other than it previously had been allowed, or allows more persons/patrons to be at the place than it was previously allowed immediately before the Directions came into effect. This means that if the business opens for the first time where it previously could not have under previous Directions, it must newly complete a safety plan, or, if it increases its capacity to more than was previously allowed, it must update its safety plan accordingly. A safety plan means a plan which addresses (for the purposes of preventing the spread of COVID-19) how the owner, occupier or person apparently in charge of the place to which the plan relates, and their staff, intend to ensure that: -physical distancing guidelines will be implemented; and -required hygiene standards will be maintained; and -staff will be appropriately trained or educated; and -an exposure or suspected exposure of a person to COVID-19 will be managed. As part of the re-opening requirements, businesses must also display a safety plan certificate in a prominent place visible to members of the public at the place, no later than from when the place opens to the public until the State of Emergency ends. A safety plan certificate means a certificate which: -states the number of patrons who can be accommodated at the place; and -records the agreement of the owner, occupier or person apparently in charge of the place where the safety plan certificate is displayed to maintain the Western Australian Government's safety measures. A template for a safety plan can be found [here](#), the last page of which is a template for the safety plan certificate that can be filled in and printed out for display by businesses.

**Formerly affected places - gatherings** Gathering restrictions for formerly affected places do not apply to high-capacity hospitality venues, whose gathering restrictions are dealt with separately under the Directions, and outdoor gyms, among others. *Prohibited activities* Prohibited activities under the Directions include, among other things, events, unless the organiser, or the person who owns, controls or operates the premises at which the event will be held, has registered the event on the Events Register, has an approved COVID Event Plan and conducts the event in accordance with the Plan. For the purposes of these restrictions, an event means any gathering of more than 500 patrons, unless: -the event falls within the terms of an existing approval under the Health (Miscellaneous Provisions) Act 1911; or -falls under the exceptions to prohibited gatherings, e.g. gatherings at office buildings, factories, etc. as outlined above, that are necessary for the normal business of those premises. In this context, patrons are persons who are not staff. An approved COVID Event Plan means a plan in writing that: -is prepared by or on behalf of the organiser of an event; -for the purposes of preventing the spread of COVID-19, sets out the measures the organiser of the event proposes to put in place to address and mitigate any

risks of the spread of COVID-19 that the event presents; and -is approved in writing by the State Emergency Coordinator or a person authorised by the Coordinator for that purpose provided that such approval may be subject to terms and conditions, which may include a COVID Safety Marshal Condition. A COVID Safety Marshal Condition means a condition on an approved COVID Event Plan that: -requires the presence of a specified number of COVID Safety Marshals at the event; and -requires those COVID Safety Marshals to perform certain specified functions at the event. The Events Register is hosted by the Department of Health on its website and can be found [here](#). A COVID Event Plan template can be found [here](#).

**Retention of information in registers** Companies which had previously been required to keep information in registers by the Former Directions must continue to retain the information until 28 days after the day on which the revocation of the State of Emergency takes effect. Companies must not use/disclose this information except as permitted by law or required by a relevant officer or otherwise for the purpose of contact tracing. The Former Directions refers to the Closure and Restriction (Limit the Spread) Directions (No 3), the Closure and Restriction (Limit the Spread) Directions (No 4) and the Closure and Restriction (Limit the Spread) Directions (No 5). *Offences* Failure to comply with the requirements set out under the Directions may be an offence. Penalties for failure to comply can include up to 12 months imprisonment or a fine of up to 50,000 AUD for individuals and 250,000 AUD for companies.

## 1.2 Europe

### 1.2.1 **ENGLAND** Companies must ensure that their workplace canteens are shut between 22:00 and 05:00

**Abstract:** As of 28 September 2020, companies are to shut workplace canteens during the hours of 22:00 to 05:00, after the Department for Health and Social Care published an amendment to the current coronavirus measures.

**Business Impact:** If the company has workplace canteens on site it must ensure that they are shut between the hours of 22:00 and 05:00. However, if there is no other means of obtaining food for the workers, they may remain open.

**Analysis: Actionable requirements** As of 28 September, companies must ensure that their workplace canteens are shut between the hours of 22:00 and 05:00. Only if there are no other practical means for workers to obtain food, may the canteens remain open. This is due to the [Health Protection \(Coronavirus, Restrictions\) \(No.2\) \(England\) Regulations 2020 \(S.I 648\)](#), which is available online.

### 1.2.2 **ENGLAND** Companies must comply with self-isolation requirements in light of new coronavirus measures.

**Abstract:** Since 28 September 2020, companies must adhere to the self-isolation requirements which have been imposed by the Department of Health and Social Care. The requirements stipulate that employers must not prohibit any workers from enacting their required self-isolation period nor request workers to be present anywhere for work purposes, during this isolation period. These Regulations expire at 12 months after 28 September 2020.



**Business Impact:** If the company has an office onsite it is recommended to adopt measures ensuring employee safety, including, for example, providing staff with disposable gloves or hand sanitizers, providing regular disinfection of frequently touched objects, such as doorknobs and common areas, such as a kitchen, and adopting preventive measures, in case of suspected coronavirus infection, such as performing a routine cleaning of the area where the potentially infected person was.

**Business Impact:** If the company employees workers that have tested positive for coronavirus or who have workers that have been in close contact with someone who has coronavirus, they must ensure that they can self-isolate and must under no costs, require the workers to move to a place for work purposes. Companies must obtain notifications from their workers about their intent on self-isolating, wherein a start and end date of their isolation period is included.

**Analysis: Background information** The Ministry of Development together with the Chief Sanitary Inspector (*Główny Inspektor Sanitarny*) issued [guidelines](#) which aim to increase the safety of office workers and their customers, minimise the risk of being infected with coronavirus and limit number of people at the same time at one office. The Guidelines are divided into 4 parts:

ensuring safety of the employees;

ensuring in the office area;

preventive procedures: suspected staff coronavirus infection; and

procedures to be followed in case of suspected customer coronavirus infection.

The Guidelines are complementary to the [Ordinance of the Council of the Ministers of 7 August 2020 on setting restrictions, orders and bans with regards to the outbreak of the epidemic](#), that aims at tackling the spread of COVID-19. In order to attain this objective, it introduces obligations for facilities having workers onsite and lays down regional restrictions in Poland, that depend on the classification of the region as a red, yellow or green zone. Facilities must comply with requirements such as, ensuring that all workers onsite which have direct contact with clients wear protective masks.

**Recommendations for companies** The [Guidance](#) establishes non-binding recommendations for offices. Companies, as an office, are advised to abide by the following guidelines: a) Ensure employee safety by, for instance:

providing staff with disposable gloves or hand sanitisers;

ensuring that internal and external meetings last as short as it is possible and be carried out with doors and windows opened; and

recommending workers to use disposable cutlery and plates and dispose of them in the trash after finishing the meal.

advising workers to keep at least 1.5 metres (m) from other people.

b) Ensure customer safety by, for instance:

providing access to hand disinfectant dispensers;

designating on the floor in common areas, such as kitchen, signs ensuring adequate distance between workers;

introducing a limit of people in elevators, for instance, the maximal capacity divided by 3; and

providing regular disinfection of frequently touched objects, such as doorknobs and common areas, such as a kitchen.

c) Adopt preventive measures, in case of suspected gym staff or customer coronavirus infection, such as:

instructing staff not to come to work, in case of alarming symptoms they should not come to work, they should stay at home and call the sanitary and epidemiological station (*stacja sanitarno-epidemiologiczna*);

suspending the reception of clients, as long as alarming symptoms occur; and

performing routine cleaning of the area where the potentially infected person was.

**Analysis:** On 28 September 2020, the Department of Health and Social Care imposed immediate and actionable requirements pertaining to self-isolation measures, in the case that workers test positive for COVID-19 or have been in close contact with someone who has tested positive for COVID-19.

**Actionable Requirements:** If a worker has tested positive for COVID or has been in close contact with someone who has tested positive, they must self-isolate at a designated location, which could be at their home or other accommodation;

Companies must ensure they do not require employers who have tested positive for COVID-19 or who have been in contact with someone who has tested positive, to attend the workplace, or to contravene their isolation period. Companies must obtain notification from their workers about their intent on self-isolating, wherein a start and end date of their isolation period is included.

**What has changed? Period of Self- Isolation:** Persons who have tested positive for COVID-19, must either start a 10 day self-isolation period after they have been notified of their positive test or after they start displaying symptoms (whichever occurs later shall be used as the starting date). Alternatively, persons who have been in close contact with someone who has tested positive for COVID-19 must self- isolate for 14 days from when the person they share a house with starts showing symptoms or receives a positive test or, from when they were last in contact with a positive COVID-19 individual. "Close contact" is referred to as having face-to-face contact with someone at a distance less than 1 meter, spending more than 15 minutes within 2 meters of an individual, or having traveled in close proximity with the infected individual. Only with the *exception* of having to obtain necessities, attend medical appointments, attend funerals, or because they are legally obliged to do so, may the infected individual be allowed to leave their 'isolation' premises.

**Work-related requirements** If the **employer** is aware that a worker or agency worker is in self-isolation, they will be prohibited from requiring them to attend a place for purposes relating to work. The **worker** and **agency worker** must notify the employer as soon as possible of their requirements to self-isolate, this includes the start and end dates of the isolation period. If the agency worker does not personally inform the company for whom they plan to work for, of their need to isolate, a principal or agent of the agency worker must do this on their behalf.

**Enforcement** An authorized person, who is in this case either a constable, police community support officer, a person designated by the Secretary of State or a local officer, shall have the power to direct or remove the person subject for isolation from their designated 'isolation' location. Reasonable force may be used if necessary.

**Offences and Penalties** A person will be regarded as having committed an offence when they: contravene the self-isolation requirements by having come into contact with a group or a person; have obstructed a person from carrying out their self-isolation requirements; provides false information about the fact that they have been in contact with someone who has tested positive. An authorized person may issue a penalty if a person has contravened the Regulations. The first penalty will amount to GBP 1,000, the second, GBP 2,000, the third GBP 4,000 and the fourth and subsequent penalty will be GBP 10,000. If the worker does not inform their employer of their need to isolate, they will receive a penalty between GBP 50 to GBP 1,000. Proceedings for an offence under these Regulations may be brought forward by a local authority or the Crown Prosecutions service, for which personal information that has been obtained by the authorized person, will be allowed to be shared. [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#) can be accessed online.

### 1.2.3 **POLAND** Further update of the red and yellow zones to prevent COVID-19 spread

**Abstract:** From 3 October 2020, facilities located in a red or yellow zone must provide measures preventing the spread of COVID-19, such as limiting the number of people present in the facility gym or canteen. Previously introduced regional restrictions remain in force and the list of yellow and red zones have been updated.

**Business Impact:** If the facility is located in the designated yellow or red zone, it must abide by measures such as limiting the maximal number of the facility canteen or gym users. Failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

**Analysis: Actionable requirements** There are no new actionable requirements for facilities.

**What has changed** The [Ordinance of 30 September 2020](#) expands the geographical scope of the currently existing restrictions related to COVID-19. It applies from 3 October 2020. In accordance with the Ordinance of 30 September 2020:

a) the following regions have been classified in the red zone:

in Pomorskie voivodeship (*województwo*): kartuski county (*powiat*) and Sopot;

in Kujawsko-Pomorskie voivodeship: aleksandrowski and żniński county;

in Podlaskie voivodeship: białostocki county;

in Warmińsko-Mazurskie voivodeship: działdowski county;

in Opolskie voivodeship: głubczycki county;

in Silesian voivodeship: kłobucki county;

in Lesser Poland voivodeship (*województwo małopolskie*): myślenicki, nowotarski, limanowski and tatrzański county;

in Lubelskie voivodeship: tęczyński county; and

in Mazowieckie voivodeship: otwocki county.

b) the yellow zone category presents as follows:

in Podlaskie voivodeship: wysokomazowiecki county;

in Greater Poland voivodeship (*województwo wielkopolskie*): ostrowski and wolsztyński county;

in Dolnośląskie voivodeship: trzebnicki county;

in Warmińsko-Mazurskie voivodeship: bartoszycki, iławski and nidzicki county;

in Opolskie voivodeship: brzeski and oleski county;

in Podkarpackie voivodeship: dębicki, mielecki county and Rzeszów;

in Lubelskie voivodeship: janowski county;

in Świętokrzyskie voivodeship: kielecki county and Kielce;

in Mazowieckie voivodeship: żyrardowski and przasnyski county;

in Zachodniopomorskie voivodeship: Szczecin;

in Pomorskie voivodeship: bytowski, gdański, kościerski, nowodworski, pucki, słupski and wejherowski county, Gdańsk, Gdynia;

in Łódzkie voivodeship: piotrkowski, bełchatowski, wieluński county; and

in Lesser Poland voivodeship (*województwo małopolskie*): nowosądecki, suski and wadowicki county, Nowy Sącz.

**Brief Analysis** The Ordinance of the Council of the Ministers of 7 August 2020 on setting restrictions, orders and bans with regards to the outbreak of the epidemic aims at tackling the spread of COVID-19. In order to attain this objective, it introduces obligations for facilities having workers onsite and lays down regional restrictions in Poland, that depend on the classification of the region as a red, yellow or green zone. Facilities must comply with requirements such as:

limiting the number of people present in the facility gym or canteen;

ensuring that the service of the canteen, such as chefs and waiters, as well as any people using the canteen until they are seated, cover their nose and mouth with protective masks; and

making sure that all workers onsite which have direct contact with clients wear protective masks.

Failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

#### 1.2.4 THE NETHERLANDS Homeworking made mandatory unless no other option available as of 29 September 2020 (COVID-19)

**Abstract:** As of 29 September 2020, facilities are required to ensure that their employees work at home, unless no other option is available, until at least 20 October 2020. This follows from a press conference of the Dutch Prime Minister on 28 September 2020. Furthermore, on 30 September 2020, the Government announced the urgent advice to wear face masks in public indoor places.

**Business Impact:** The facility must ensure that its employees work from home as from 29 September 2020 until at least 20 October 2020, unless no other option is possible. If a COVID-19 infection does occur in the workplace, the facility could be forced to close for 14 days.

**Analysis:** On 28 September 2020 the Dutch Prime Minister announced more stringent measures to reduce the spread of the COVID-19 disease. Furthermore, on 30 September 2020, the Government issued urgent advice to wear face masks in public indoor places. The texts can be found respectively online in Dutch at the COVID-19 page on the [website](#) of the Government. Starting 29 September 2020 at 6PM homeworking is mandatory for all facilities unless no other option is available. No further information is provided concerning the "no other option". Nevertheless, if a COVID-19 infection occurs in the workplace, the facility can be forced to close down for 14 days. Additionally, the Government announced the urgent advice to wear face masks in public indoor places. The advice states that all people aged 13 and over are urgently advised to wear (non-medical) face masks in publicly accessible indoor areas such as:  
shops, museums, town halls, railway stations, airports, car parks, petrol stations;  
restaurants, cafés, theatres and concert halls;  
in the performance of contact professions, both for the service provider and the client.

**Background information** So far, no legislation in regard to measures following the COVID-19 pandemic has been adopted on a national level in the Netherlands (however, there currently is a [proposal](#) pending to adopt a "Corona Act"). Since the beginning of the COVID-19 crisis, measures were only enforced at the regional level through emergency ordinances (*noodverordeningen*). Nevertheless, the measures issued by the Prime Minister at the press conference on 28 September 2020 have binding force. An overview of all the new measures entering into force on 29 September 2020 can be found on the [website](#) of the Government.

## 1.3 Asia & Oceania

### 1.3.1 AUSTRALIAN CAPITAL TERRITORY Companies in the Australian Capital Territory can access free COVID-19 Infection control training until 30 June 2021

**Business Impact:** If the company operates in a COVID-19 containment zone, it must remain shut down until 31 October 2020 unless it carries out essential activities (e.g., manufacturing of drugs and foods). If the company operates in non-containment zones, it is permitted to remain operational. However, the company must keep complying with the requirements listed in Annexure I (National Directive for COVID-19 Management) of Order No. 40-3/2020-DM-I(A) of 30 September 2020 ("Order September 2020") to prevent exposure and spread of COVID-19 at the workplace, including:  
ensuring that all employees wear facemasks;  
allowing telework as often as possible;  
setting up thermal scanning and provide handwashing and sanitizing facilities at all entry and exit points and common areas of the workplaces ;  
undertaking frequent sanitization of the workplace and shared facilities that come into human contact such as doors handles; and  
ensuring social distancing through adequate distancing between workers, adequate gaps between shifts, and staggered staff lunch breaks.

If the company is a Business to Business (B2B) exhibition, it can resume its activities/operations in non-containment zones starting 15 October 2020. The company must comply with the Standard Operating procedure issued by the Department of Commerce. The company must know that any employer that contravenes any measures under the Order September 2020 is punishable with imprisonment of up to 1 year, or fine or both.

**Abstract:** Until 30 June 2021, companies located in the Australian Capital Territory can access free and nationally accredited COVID-19 Infection control training. The training aims to support businesses to re-open safely, reduce the risk of transmission of COVID-19 and support consumer confidence.

**Analysis: New actionable requirement** If the facility operates within a COVID-19 containment zone, it must cease its operations/activities until 31 October 2020, unless it carries out essential activities (e.g., manufacturing of drugs and foods).

However, Order No. 40-3/2020-DM-I(A) of 30 September 2020 ("Order September 2020") has not changed any provisions applicable to facilities operating in non-containment zones that were allowed to resume their operations under the previous lockdown [Order No. 40-3/2020-DM-I\(A\) of 29 August 2020](#) ("Order August 2020"). These facilities must continue to comply with existing requirements under the national directives for COVID-19 management, including:

- ensuring that all employees wear facemasks;
- allowing telework as frequently as possible;
- practicing frequent sanitization of the entire workplace and common areas;
- practicing thermal scanning, hand washing, making hand sanitizer and hand wash available at all entry and exit points, and common areas; and
- following staggered work schedules.

**What has changed** India has further extended the lockdown in containment zones until 31 October 2020. Facilities operating in non-containment zones can continue to operate with the condition that they comply with the COVID-19 prevention and preventive measures specified in Annexure I (the National Directives for COVID-19 Management) of the Order September 2020. Requirements provided in Annexure I have not changed and are the same as provided under the previous lockdown Order of August 2020. In addition, the Order September 2020 allows Business to Business (B2B) exhibitions to resume their activities/operations in non-containment zones starting 15 October 2020. The Department of Commerce will issue Standard Operating Procedure that B2B exhibitions must comply with.

**Additional Information** "COVID-19 containment zone" is an area categorized as a high-risk zone, where the number of coronavirus cases is high. The local authorities are empowered to classify areas as containment zones and notify such classifications by the respective District Collectors and State Governments or Union Territories on their websites. State Government and Union Territories, based on their assessment of the COVID-19 situation, are allowed to prohibit or restrict certain activities in the non-containment zones. Thus, operations and activities are regulated at the State or Union Territory level. **Penalties** Any employer that contravenes any measures under the Order September 2020 is punishable under section 51 to 60 of the [Disaster Management Act 2005](#) ("the Act"). The Act states that any person that violates any Order issued under it is punishable with imprisonment of up to 1 year, or fine or both). In addition, the employer is liable for punishment under Section 188 of the [Indian Penal Code 1860](#) ("penal Act"). Under the Penal Act, any person that contravenes any Order issued by the public servant to abstain from a certain Act is punishable with imprisonment of up to 1 month or a fine or both. [Order No. 40-3/2020-DM-I\(A\) of 30 September 2020](#) is available in English on the Enhesa Knowledgebase.

**Business Impact:** Interested companies located in the Australian Capital Territory can, until 30 June 2021, access free and nationally accredited COVID-19 Infection control training. The training aims to support businesses to re-open safely, reduce the risk of transmission of COVID-19 and support consumer confidence.

**Analysis: COVID-19 Infection control training** General Employers and employees are encouraged to complete [COVID-19 Infection control training](#) to support businesses to re-open/continue operating safely, reducing the risk of transmission of COVID-19 and supporting consumer confidence that it is safe to re-engage with businesses. The free training will remain available until 30 June 2021, or until the total number of funded training places is reached (whichever occurs first). Persons can enrol in a training place at any time; however, they must commence the training within 5 business days of their enrolment. The training must be completed within 30 calendar days of commencement. The training provides a set

of skills for implementing infection control policies and procedures in the workplace. This includes skills to follow organisational infection prevention and control policies and procedures, including implementing standard and transmission-based precautions and responding to infection risks in the workplace. Participants will learn a range of skills, including:

- hand hygiene practices,
- effective surface cleaning,
- use of personal protective equipment,
- disposal of contaminated waste,
- hazard identification, control and reporting,
- appropriate protocols and responses in the event of an incident, and
- knowledge regarding the basis of infection and transmission.

**Who should undertake this training?** This training is targeted for customer-facing workers (including business owners and supervisors) who require the skills and knowledge to decrease the risk of and transmission of infection while carrying out their daily duties. Funding is prioritised for those working in the retail, tourism, transport and logistics, hospitality, cleaning, security service, aged and disability sectors. Examples include, but are not limited to, retail assistants, bar attendants, waiters, restaurant crew members, customer assistants, travel consultants, salon assistants, beauty therapists, hairdressers/barbers, sales assistants, customer service officers, gym and fitness instructors, security officers, food court cleaners, furniture removalists, care and support workers.

**Who is eligible to access the fee-free training?** To be eligible for the fee-free training, participants must, for the duration of the enrolment, be:

- an Australian citizen, permanent resident, or New Zealand passport holder resident for more than 6 months, or
- a person who holds a visa that is identified as being an [eligible visa holder](#), and
- living or working in the ACT, and
- at least 15 years of age, and
- be employed in a customer-facing role, at the time of enrolment.

**How can businesses and employees access this training?** The fee-free infection control training places are delivered by a selection of approved registered training organisations (RTOs). Companies and their employees can enrol in the training by contacting their preferred RTO from the list of approved [providers offering Infection Control Training](#). Their chosen RTO will guide them through the enrolment process and commence their training within 5 working days of their enrolment. The training will be delivered online and/or in a workplace setting (on-the-job) by your chosen RTO. Businesses can also contact their preferred RTO from the list of approved [providers offering Infection Control Training](#) to discuss options for contextualizing the training to the specific requirements of your workforce.

### 1.3.2 INDIA - ANDHRA PRADESH Industries categorized as “red” as well as industries that handle hazardous chemicals are now subject to a special inspection drive and the requirement to submit a self-compliance report.

**Abstract:** Starting 4 August 2020, industries that handle hazardous chemicals, explosives, or industries categorized as red in the State of Andhra Pradesh are now subject to a special inspection drive by the Department of Boilers, Labour, Factories, Andhra Pradesh State Disaster Response, and Fire Services, Energy and Andhra Pradesh Pollution Control Board. Red category industries include, among others, automobile and ancillary industries, industries that handle hazardous waste, and industries involved in the manufacture of chemicals such as ammonium nitrate. The industries that are subject to the special inspection drive must submit a self-compliance report to ensure safety and environmental compliance.



**Business Impact:** As an operator of an industry that handles hazardous chemicals or explosives, the company is now subject to special inspection drives from the Departments of Boilers, Labour, Factories, Andhra Pradesh State Disaster Response and Fire Services, Energy, and the Andhra Pradesh Pollution Control Board. The company must, therefore ensure uninterrupted compliance with all safety protocols, and must submit a self-compliance report.

**Analysis:** Beginning 4 August 2020, industries that handle hazardous chemicals or explosives, or industries that have been categorized as red in the State of Andhra Pradesh are subject to a special inspection drive to ensure all safety protocols and environmental safeguards are functional. This follows the issuance of the [G.O.Rt.No.156 - Order for a special inspection drive for industrial units for safety and environmental compliance](#) ("Order") by the Industries and Commerce (P&I) Department. This special inspection drive will be conducted jointly by the Departments of Boilers, Labour, Factories, Andhra Pradesh State Disaster Response, and Fire Services, Energy, and Andhra Pradesh Pollution Control Board. For the first phase of the special inspection drive, the following industries will be covered:-

all hazardous chemical industries covered under the [Manufacture, Storage and Import of Hazardous Chemical Rules, 1989](#);  
all industries that store, manufacture or handle hazardous materials or chemicals as notified under [Manufacture, Storage and Import of Hazardous Chemical Rules, 1989](#);

all industries that store, manufacture or handle explosive substances as defined under the [Explosive Act, 1884](#) and [Petroleum Act, 1934](#); and

all red category industries such as automobile and ancillary industries, industries that handle hazardous waste, units that store hazardous chemicals, and chemical manufacturing installations producing chemicals such as ammonium nitrate. The Order notes that a particular industry may fall into different categories (red, orange, green), and inspection will be conducted based on the safety risks and pollution load at the district level. The Order also notes the State Disaster Response Force (SDRF) would become part of the on-site and off-site mock drills by implementing the Emergency Plan for all hazardous industries according to the relevant governing laws. Facilities may be given 30 days' from the date of receiving instruction or circulars from relevant Heads of the Departments to prepare a statement or reports to prove compliance with safety protocols and environmental norms. But facilities with high priority based on safety risk assessment and pollution load should take only 7-15 days to prepare a statement or report to prove compliance. For facilities that do not have in-house capabilities to conduct a safety risk assessment may engage any reputed agency specializing in factory safety assessment or environmental compliance to prepare a safety risk assessment statement or report for submission to relevant Heads of Departments. These safety risk assessment statements or reports submitted must be accurate, complete, and signed by the occupier of the facility and the assessment agency which was retained for performing the safety assessment or environmental compliance, wherever possible. These statements or reports furnished by the facilities will serve as a self-compliance reporting mechanism.

**Background:** Due to the nationwide lockdown initiated by the Government of India in March 2020 due to the Coronavirus pandemic (COVID-19), several industries had paused their operation to prevent the spread of the virus. This cessation of work also caused safety protocols to be skipped or missed. Due to a lack of monitoring on certain processes, gas leakages and other industrial accidents (such as a Styrene vapour release) occurred.

**Definitions:** **Red category** industries are industries with a pollution index score above 60;

**Hazardous Chemical** under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, means - (i) any chemical which satisfies any of the criteria laid down in Part I of 1, Schedule 1 such as extremely toxic with a rating over 5 LD50 mg/kg of oral toxicity, or listed in Column 2 of Part II of this Schedule such as acetaldehyde, benzene, cadmium oxide, demeton, etc.; (ii) any chemical listed in Column 2 of Schedule 2 such as 2-Propenal (Acrolein), bromomethane (Methyl bromide), methyl isocyanate, etc.; (iii) any chemical listed in Column 2 of Schedule 3 such as Acetone cyanohydrin (2-Cyanopropan-2-ol, Chlorine, Ethyleneimine, Nitrogen oxides, etc.

**Industrial activity** means. an operation or process carried out in an industrial installation referred to in Schedule 4 involving or likely to involve one or more hazardous chemicals and includes on-site storage or on-site transport which is associated with that operation or process, as the case may be; or ii. isolated storage; or iii. pipeline

**Explosives** mean gunpowder, nitroglycerine, nitroglycol, gun-cotton, di-nitro-toluenetri-nitrotoluene, picric acid, di-nitor-phenol, tri-nitor-resorcinol (styphnic act), cyclo-trimethylene-tri nitramine, pentaerythritol-tetranitrate, tetra1, nitroguanidine, lead azide, lead styphnate, fulminate of mercury or any other metal, diazo-di-nitor-phenol, coloured fires or any other substance whether a single chemical compound or a mixture of substances, whether solid or liquid or gaseous used or manufactured with a view to producing a practical effect by explosion or pyrotechnic effect; and includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as defined in this clause The [G.O.Rt.No.156 - Order for a special inspection drive for industrial units for safety and environmental compliance](#) is available in English on the Enhesa Knowledgebase.

### 1.3.3 **RUSSIAN FEDERATION** Certain companies can benefit from temporary rules adopted with regard to permitting activities amid the coronavirus outbreak (COVID-19)

**Abstract:** As of 5 October 2020, certain companies can benefit from temporary rules introduced with regard to permitting activities amid the coronavirus (COVID-19) outbreak. Among others, companies operating facilities with fire-explosion or chemical hazard belonging to hazard classes I, II or III (extremely high hazard, high hazard and medium hazard, respectively) and companies carrying out activities related to the handling of industrial explosives can continue their activities in case of a change in the address of the place of the licensed activity specified in the license without the re-issuance of the respective license until 1 July 2022.

**Business Impact:** If the company is operating a major hazard installation with fire-explosion or chemical hazard belonging to hazard classes I, II or III (extremely high hazard, high hazard and medium hazard, respectively), or if the company is carrying out activities related to the handling of industrial explosives, it should be aware that it will not be required to obtain a new license if the address of the licensed activity changes until 1 January 2022. Finally, the company should be aware that:

existing certifications (аттестация) in the field of industrial safety are extended and considered valid until 1 July 2021; and the verification of knowledge of health and safety requirements and performance works on electrical installations, and in heat supply facilities is not obligatory until 1 July 2021.

**Analysis: Actionable requirements** The Decree imposes no requirements on companies.

**What Has Changed** [Decree No. 1580 of 1 October 2020](#) amends [Decree No. 440 "On the extension of permits and other peculiarities with regard to permitting activities in 2020"](#) to further extend the validity of several licenses and other certifications according to the list of licenses and permits (Annex 1), which expire between 15 March and 31 December 2020.

**In accordance with Decree No. 1580, the following licenses and certifications have been extended:** Licenses for companies operating facilities with fire-explosion or chemical hazard belonging to hazard classes I, II or III and companies carrying out activities related to the handling of industrial explosives will continue to be valid in case of a change in the address of the place of the licensed activity specified in the licence without the re-issuance of the latter until 1 January 2022. Existing certifications (аттестация) in the field of industrial safety are extended (from 1 October 2020) and considered valid until 1 July 2021.



**Moratorium on the verification of knowledge of health and safety requirements** Until 1 July 2021, companies are not obliged to carry out verification of knowledge of health and safety requirements and performance works (проведение проверки знания требований охраны труда и других требований безопасности) on electrical installations, and in heat supply facilities.

**Additional Information** Companies should be aware that [a dedicated section with a constantly updated summary of regulations on combating the consequences of the spread of COVID-19](#) has started working on the page of the Federation Council Committee on Economic Policy. General mandatory requirements and recommendations applying to industrial companies to prevent the spread of COVID-19 include, for example: -provide all employees with the necessary personal hygiene products and personal protective equipment (masks, respirators); -if possible, ensure a safe distance between workers (at least 1.5 metres); -organise high-quality cleaning at least once per day with the disinfection of frequently used items and common areas; and -ensure the measurement of body temperature of workers at workplaces with the mandatory suspension of people with fever from the workplace. *Background note* Hazard classes I, II and III are attributed to major hazard installations (Опасные производственные объекты) with an extremely high hazard, a high hazard and a medium hazard, respectively. Operation of such installations requires a licence. For instance, if a facility handles (stores, manufactures, transports, disposes of, processes or uses) toxic substances in quantities of: -2,000 tonnes or more, it will belong to hazard class I; -less than 2,000 tonnes but more than 200 tons, it will belong to hazard class II; and -less than 200 tons but more than 20 tons, it will belong to hazard class III. Operators have an obligation to determine the hazard class themselves and then have it confirmed by the authorities. According to [Federal Law of 21 July 1997 No. 116-FZ on the Industrial safety of Major Hazard Installations](#), major hazard installations can include, for example, an industrial unit (building, part of a building, department or section) where hazardous materials and substances (such as toxic, flammable, corrosive or explosive) are being manufactured, used, recycled, stored, transported or disposed of.

### 1.3.4 **RUSSIAN FEDERATION** Recommendations for employers to prevent the second wave of the coronavirus infection (COVID-19) revised

**Abstract:** THE RUSSIAN FEDERATION: As of 29 September 2020, in order to prevent the second wave of the coronavirus (COVID-19) infection in Russia, employers are recommended to separate work streams and divide employees into teams (through placement on different floors, separate offices and work shifts), as well as to control the body temperature of employees at the entrances to facilities and during the working day, while ensuring mandatory suspension from the workplace of persons with fever or other signs of the infectious disease.

**Business Impact:** In order to prevent the spread of the new coronavirus (COVID-19) infection, the company is recommended to separate work streams and divide employees into teams (through placement on different floors, separate offices and work shifts) in accordance with revised recommendations for the employers, published by Rospotrebnadzor. The company is advised to control the body temperature of employees at the entrances to facilities and during the working day and ensure mandatory suspension from the workplace of employees with fever or other signs of the infectious disease. Additionally, the company is recommended to restrict, among others, any corporate events and the participation of employees in mass events. As a reminder, the company is still recommended to comply with initial recommendations of Rospotrebnadzor, such as:  
provide skin antiseptics for hands or disinfecting wipes at the workplace, ensure control over the compliance with this hygienic procedure;  
ensure high-quality cleaning of premises with the use of virucidal disinfectants, especially door handles, switchers, handrails, tables and chairs of employees, office equipment, as well as common areas; and  
ensure the availability of at least 5 days supply of disinfectants for cleaning of premises, hand disinfectants, means of individual protection of respiratory organs (masks and respirators).

**Analysis:** On 29 September 2020, the [Letter of Rospotrebnadzor](#) on measures to prevent the coronavirus infection (COVID-19) was published. The Letter of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-being (Rospotrebnadzor / Роспотребнадзор) establishes revised recommendations for employers to prevent the spread of the new coronavirus infection. The letter recommends employers, for example, the following:

- to separate work streams and divide employees into teams (through placement on different floors, separate offices and work shifts);
- to control the body temperature of employees at the entrances to facilities and during the working day, while ensuring mandatory suspension from the workplace of employees with fever or other signs of the infectious disease (and subsequent call to a doctor);
- to control the compliance with the established 14 days of self-isolation at home by employees returning from the countries affected by the coronavirus disease; and
- to restrict, among others, any corporate events and the participation of employees in mass events.

Previously, [Letter No. 02/3853-2020-27](#) introduced initial recommendations for employers, which are still in force. For example, employers are still recommended to: -provide skin antiseptics for hands or disinfecting wipes at workplaces, while ensuring control over the compliance with this hygienic procedure; -ensure high-quality cleaning of premises with the use of virucidal disinfectants, especially door handles, switchers, handrails, tables and chairs of employees, office equipment, as well as common areas; -ensure the availability of at least 5 days supply of disinfectants for cleaning of premises, hand disinfectants, means of individual protection of respiratory organs (masks and respirators); -disinfect multiple use kitchen utensils in accordance with the sanitary regulations; and -upon receipt of a request from the territorial administration of Rospotrebnadzor, immediately provide information on all contacts of an employee with the coronavirus disease in connection with the performance of his or her labor functions, and ensure the disinfection of premises where such an employee was located.

### 1.3.5 RUSSIA – MOSCOW CITY Working from home highly recommended again for all facilities operating in the city of Moscow as of 28 September 2020 (COVID-19)

**Abstract:** As of 28 September 2020, companies operating in the city of Moscow are highly recommended to introduce a working from home policy again. This follows from the strengthening of COVID-19 measures aimed to prevent and/or slow down a second outbreak of the coronavirus in the Russian Federation.

**Business Impact:** If the facility operates in the city of Moscow, it must be aware that working from home is now highly recommended (COVID-19). In addition to working from home, the company must continue complying with existing sanitary regulations and rules for disinfecting premises, as well as social distancing guidelines. For example, the company must ensure a social distancing of 1,5 meters at the workplace. As a reminder, the company must continue complying with the following requirements:

- measurement of the body temperature of employees at workplaces and suspension of persons with fever from the workplace;
- use of personal protection (masks and gloves) in case of visiting buildings and premises in which the sale of goods or services is carried out; and
- testing for COVID-19 once in every two weeks for not fewer than 10% of the employees.

**Analysis: Actionable Requirements** If the facility restarts or continues its operations, it must encourage working from home and take appropriate preventive measures to ensure a social distancing of 1,5 meters at the workplace or, if this is not possible, to ensure a similar level of protection through other measures (COVID-19).

**What Has Changed** The actionable requirement above is not new. Previously, working from home was recommended. Following the entrance into force of [Decree No. 92-UM of 25 September 2020](#), working from home is now highly

recommended for any facility, irrespective of its size, for every position where this is possible. In addition to working from home, companies must continue complying with existing sanitary regulations and rules for disinfecting premises, as well as social distancing guidelines.

**Which measures are still in place?** Companies operating in Moscow have to, for example:  
ensure a social distancing of 1,5 meters at the workplace and disinfection of the latter;  
provide the measurement of the body temperature of employees at workplaces and suspend persons with fever from the workplace;  
ensure the use of personal protection (masks and gloves) in case of visiting buildings and premises in which the sale of goods or services is carried out; and  
ensure testing for COVID-19 once in every two weeks for not fewer than 10% of the employees as of 1 June 2020.

**Additional Information** The city of Moscow has been under a high-alert mode since 5 March 2020 following [Decree of the Mayor of Moscow No. 12-UM](#) "On the introduction of high-alert mode". Employers operating in the city of Moscow have been required to ensure the measurement of the body temperature of employees at the workplace, immediately suspend persons with fever from the workplace, and comply, as well as assist employees in ensuring compliance with the compulsory self-isolation regime at home after returning from countries affected by COVID-19. All companies have been recommended to transfer a maximum number of employees to remote work and to comply with the existing sanitary regulations and rules for disinfecting premises.

## 1.4 Africa & Middle East

### 1.4.1 **JORDAN NATIONAL** Companies must comply with certain covid-19 restrictions due to a rise in local cases

**Abstract:** Since 24 September 2020, companies in Jordan must comply with reevaluated social gathering and work gathering restrictions as well as basic social distancing measures due to the rise in local covid-19 cases.

**Business Impact:** If the company organizes gatherings, it must not exceed 20 people per gathering while complying with the sanitary measures such as appropriate social distancing, the wear of face masks and avoiding physical contact. In addition, if the company allows gathering within its premises or offices, it must comply with existing and future instructions regarding sanitary and prevention measures that must be implemented.

**Analysis: Actionable requirements** If the company organizes social events, it must not invite more than 20 persons per gathering. If the company organizes social events, it must enforce appropriate social distancing and sanitary measures such as the wear of face masks and avoiding physical contact. If the company is back in operation, it must comply with the allowed number of people who can gather within the company which will be provided in instructions from the Ministry of Industry, Trade, and Supply and the Ministry of Health.

**What's new** The above-mentioned requirements reintroduce restrictions on the number of people in social gatherings due to the rise of covid-19 cases. It also highlights the importance of maintaining decent practice regarding sanitary measures to prevent the spread of the coronavirus.

## 2. October 14, 2020

### 2.1 The US & Canada

#### 2.1.1 US - CALIFORNIA Clarifications on when an employee's illness related to COVID-19 is considered an occupational injury and when an outbreak occurs at the workplace

**Abstract:** Companies with 5 or more employees in California should note the recently enacted bill that clarifies when an employee's illness or death resulting from COVID-19 is presumed to be an occupational injury. The bill relates to workers' compensation benefits and does not create occupational health and safety requirements for companies. However, as the COVID-19 emergency continues, companies are advised to evaluate when an employee's COVID-19 illness is deemed an occupational injury and when a COVID-19 outbreak exists in the workplace.

**Business Impact:** The enactment of Senate Bill 1159 does not impose any occupational health and safety requirements on the company. However, the company should note that the California State Legislature clarified what is considered a COVID-19 occupational injury and outbreak for the purposes of workers' compensation benefits. For example, an employee's illness or death resulting from COVID-19 is not presumed to be an occupational injury if the employee has tested positive for or was diagnosed with COVID-19 while working from home.

**Analysis: Actionable Requirements** There are no actionable requirements imposed under Senate Bill 1159.

**What Has Changed** Senate Bill 1159 does not create any new or additional requirements on companies. Instead, it defines "injury," "outbreak," and "specific place of employment" to assist companies in complying with the existing COVID-19 related requirements.

**Senate Bill 1159** On 17 September 2020, the California Governor Gavin Newsom approved Senate Bill 1159 (SB 1159) to amend the California Labor Code (LAB), relating to the 2019 novel coronavirus disease (COVID-19). Specifically, SB 1159 explains when an employee's illness related to COVID-19 is considered an occupational injury. SB 1159 further defines the terms "outbreak" and "specific place of employment." The bill took immediate effect on 17 September 2020 and remains in effect until 1 January 2023. *COVID-19 Presumption* SB 1159 protects the health and safety of all employees and the public by creating the COVID-19 presumption. While the COVID-19 presumption applies only to LAB Division 4, Workers' Compensation and Insurance, it provides general guidance on understanding what is considered a COVID-19 occupational injury and outbreak. Under the law as amended, an employee's illness or death resulting from COVID-19 is presumed to be an occupational injury, if the following conditions are met:

the employer has 5 or more employees;

the employee has tested positive for or was diagnosed with COVID-19 within 14 days after the last date that the employee performed labor or services at the employee's place of employment at the employer's direction; and  
the employee's positive test occurred during an "outbreak" at the employee's "specific place of employment."

"A specific place of employment" means the building, store, facility, or agricultural field where an employee performs work at the employer's direction. However, it does not include the employee's home or residence. Accordingly, a COVID-19 related illness is not considered an occupational injury if the employee has tested positive for or was diagnosed with COVID-19 while working from home. Lastly, an "outbreak" exists if any of the following occurs at the specific place of employment within 14 calendar days:

if the employer has 100 employees or fewer at a specific place of employment, 4 employees test positive for COVID-19;

if the employer has more than 100 employees at a specific place of employment, 4 percent of the number of employees who reported to the specific place of employment, test positive for COVID-19; or  
a specific place of employment is ordered to close by a local public health department, the California Department of Public Health (CDPH), or the California Division of Occupational Safety and Health (Cal/OSHA) due to a risk of infection with COVID-19.

**More Information** More information, including the text of the bill, is available on the [California Legislative Information](#) website.

### 2.1.2 US - MAINE Facilities operating during the COVID-19 state of emergency must comply with Stage 4 Reopening requirements, including less restrictive requirements on workplace canteens

**Abstract:** Effective 13 October 2020, facilities operating during the COVID-19 state of emergency are subject to less stringent indoor gathering requirements for members of the public allowed on-site. Specific occupancy limits are based on whether seating is required and the maximum permitted occupancy of the facility.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it must comply with updated indoor gathering requirements effective 13 October 2020. If the facility provides and requires all invitees to be seated for services, it may operate at 50 percent of its maximum occupancy, up to a maximum of 100 people at a time. Facilities with invitees not required to sit or provided with seating for service must limit indoor gatherings to 50 or fewer people.

#### **Analysis: Actionable Requirements** *New requirements*

If the facility provides and requires seating for all invitees, it allows for no more than 50 percent of its permitted occupancy limit or 100 persons at a time, whichever is less.

If the facility does not provide and require seating for all invitees, it limits the number of gathered members of the public to 50 people.

#### *Repealed requirements*

The facility does not allow for non-employment gatherings of more than 10 people.

#### *Existing requirements reissued without changes*

If the facility operates during the COVID-19 state of emergency, it implements the applicable social distancing measures.

If the facility operates a food and beverage establishment during the COVID-19 state of emergency, it implements measures requiring customers to wear face coverings.

If the facility operates a retail facility with 50,000 square feet or more of shopping space, it implements measures requiring customers to wear face coverings.

**What Has Changed** Effective 13 October 2020, facilities operating during the COVID-19 state of emergency in Maine are subject to updated operational requirements as part of Stage 4 of the Plan to Restart Maine's Economy. Under Stage 4, indoor facilities are no longer restricted to non-employment gatherings of 10 or fewer people. Instead, facilities may operate at 50 percent of their occupancy (up to a maximum 100 people) if they provide and require members of the public to be seated for service. Facilities that do not require and provide seating for all invitees may allow for up to 50 members of the public on-site at a time.

**Analysis** *Indoor gathering requirements* Unlike other states where occupancy limits are set by the type of facility, Maine sets limits based on whether invited members of the public are required to sit for services. Facilities that provide and require seating for all invitees (such as workplace canteens) may operate at 50 percent of their permitted occupancy limit

or 100 persons, whichever is less. "Permitted occupancy limit" is not defined in the regulation, but likely refers to the maximum occupancy allowed under the applicable fire code or fire occupancy permit issued by a fire code official. However, if the facility does not provide and require seating for all invitees, it may not allow for an indoor gathering of more than 50 people. Under earlier phases during Maine's reopening, non-employment indoor gatherings were restricted to 10 or fewer people. *Effective date and duration* The indoor gathering requirements will remain in effect until rescinded or modified. The other requirements on social distancing and mandatory face-coverings listed above are set to expire on 29 October 2020 unless extended, modified, or rescinded.

**More Information** For more information, see the [6 October 2020 Executive Order](#) issued by Governor Mills.

### 2.1.3 US - MASSACHUSETTS DLS amends its COVID-19 Workplaces Safety Rules

**Abstract:** Effective 28 August 2020, companies that must comply with the COVID-19 Workplace Safety Regulations will see a change in enforcement authority and penalties that are available to the Department of Labor Standards (DLS) and duly authorized agents. DLS's amendments do not directly impact the requirements imposed on companies; however, the amendments do allow more flexibility for authorized agents to issue civil fees and other penalties.

**Business Impact:** If the company owns or operates a brick-and-mortar facility that is open to workers, customers, vendors, or other members of the public, it must comply with the amended emergency COVID-19 Workplace Safety Regulations. The amendments do not impose direct requirements on the company; however, it does alter the enforcement authority of the requirements and allows more flexibility for authorized agents to issue civil fees and other penalties.

**Analysis: Actionable Requirements** If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it follows the required social distancing protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it follows the required hygiene protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it trains workers on the social distancing and hygiene protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it develops a written control plan to address workers who become ill from COVID-19 at work, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it follows the required cleaning and disinfecting protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, before opening, it brings the workplace into full compliance with all general COVID-19 workplace safety rules and all applicable sector-specific rules, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, before opening, it completes the self-certification on DLS's website, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, before opening, it posts conspicuously on the premises all applicable public notices and advisories or any applicable sector-specific rules, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public and it becomes aware of a presumptive case or positive test result for COVID-19 at the workplace, it notifies the applicable Local or Regional Board of Health (LBOH) and assists the LBOH to advise likely contacts to isolate and self-quarantine, unless otherwise exempt.



**What has changed?** The amended COVID-19 Workplace Safety Regulations do not directly impact the above requirements; however, the enforcement of these requirements has changed slightly. For example, the Department of Labor Standards (DLS) and duly authorized agents now have direct authority to implement and enforce the regulations. Further, under the amendments, the restrictions on the civil fines that can be issued have changed. Previously, a civil fine up to \$300 per violation was allowed up to 3 times before it is escalated to the next level. Under the amendments, there is no specification on when a civil fine must be escalated. Further, there is no longer the requirement that the verbal consultation and redirection or the written warning and order to consent must be issued at least once before it is escalated to the next level. Finally, a duly authorized Local Board or Regional Board of Health (LBOH) is not necessarily required to notify DLS 24 hours in advance of a civil fine or 3 days in advance of filing an injunction. Additionally, several types of business were added to the sector-Specific COVID-19 workplace safety rules, including: - fitness centers and health clubs; - indoor and outdoor events; - indoor recreation; - museums, cultural and historical facilities, guided tours; - theaters and performance venues; and - restaurants. Finally, DLS clarified that the general COVID-19 Workplace Safety Rules are meant to supplement and not displace otherwise applicable health and safety rules issued by any Federal, State, or local authority acting within the scope of its lawful authority.

**More Information** The full text of the amendment can be found in the [18 September 2020 Massachusetts Register](#).

#### 2.1.4 US - MASSACHUSETTS DLS will hold public hearing on a uniform set of COVID-19 Workplace Safety Rules for all enterprises operating brick and mortar premises across the state

**Abstract:** Companies that are open, or wish to open, during the COVID-19 pandemic, can attend a virtual public hearing on 14 October 2020 at 10 AM to comment on establishing a uniform set of COVID-19 Workplace Safety Rules for all enterprises operating brick and mortar premises across the state. Currently, the Department of Labor Standards (DLS) issued an emergency regulation that applies to brick and mortar facilities, with exemptions, and includes sector-specific guidelines for several types of facilities.

**Business Impact:** If the company owns or operates a brick-and-mortar facility in Massachusetts, it may wish to attend the 14 October 2020 public hearing regarding establishing a uniform COVID-19 Workplace Safety Regulations that would apply to all enterprises operating brick and mortar premises across the state. The company can attend the virtual public hearing and submit comments until 15 October 2020 at 5 PM.

**Analysis: COVID-19 Workplace Safety Regulations** Currently, brick-and-mortar facilities that are open to workers, customers, vendors, or other members of the public are subject to the emergency regulation establishing COVID-19 Workplace Safety Rules. Facilities must comply with several general and sector-specific safety rules, including social distancing protocol, hygiene protocols, developing a control plan, training employees, and cleaning and disinfecting the workplace. *Public Hearing Notice* The public hearing notice does not change the currently effective COVID-19 Workplace Safety Rules; however, companies can comment on the regulation and establishing appropriate health and safety measures to protect against the spread of the COVID-19. The Department of Labor Standards (DLS) will hold the virtual hearing on 14 October 2020 at 10:00 AM. The hearing can be accessed using the following: Meeting number: 171 496 4736 Password: DLS1COVIDRegs  
<https://statema.webex.com/statema/j.php?MTID=m3620d3b7e96ee467caeb5386acedc485> Join by video system Dial 1714964736@statema.webex.com You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-203-607-0564 US Toll +1-866-692-3580 US Toll Free Access code: 171 496 4736 Companies that wish to testify at the hearing are encouraged to submit written testimony electronically to [dlsFeedback@state.ma.us](mailto:dlsFeedback@state.ma.us) in a word document. The subject line of the email should include the regulation number (454 CMR 31.00) and name of the regulation (COVID-19 Workplace Safety Regulation). All submitted testimony must include the sender's full name and address. Companies who are unable to submit electronic testimony should mail submissions to: Office of the General Counsel Department of Labor Standards

19 Staniford Street, Second Floor Boston, MA 02114 All written testimony must be received by 15 October 2020 at 5:00 PM.

**More Information** The notice of public hearing can be found in the [2 October 2020 Massachusetts Register](#). The full text of the [COVID-19 Workplace Safety Regulations](#) can be found online.

### 2.1.5 US - NEW YORK Companies in COVID-19 hot spots must comply with the applicable restrictions on in-person workforce and on-premises food and beverage consumption

**Abstract:** As of 6 October 2020, companies that operate in New York State must comply with the workforce reduction requirements and restrictions on on-premises consumption under the state’s cluster action initiative. The initiative imposes COVID-19 mitigation measures that directly target the areas with the highest concentration of COVID-19 cases and the surrounding communities. Such measures remain effective until 5 November 2020, unless otherwise amended.

**Business Impact:** If the company is operating in any of the areas identified as COVID-19 hot spots, it must comply with the applicable COVID-19 mitigation measures enforced under the cluster action initiative, beginning 6 October 2020. As of the date the initiative took effect, certain areas in Brooklyn, Queens, and Broome, Orange, and Rockland Counties were designated as hot spots. For example, if the company is not an essential service provider and is located in a hot spot, it may be required to reduce its in-person workforce by 100 percent, depending on the severity of the cluster activity. If the company owns or operates any food establishment, such as a business cafeteria or onsite canteen, it may be required to stop providing food and beverage for on-premises consumption. Lastly, if the company owns or operates a gym or fitness center in its building, it may be required to cease the operation. Accordingly, the company must review the map of cluster hot spots and determine whether it is subject to any business operations restrictions under the initiative.

**Analysis: Actionable Requirements** If the facility is located in COVID-19 hot spots, it complies with the applicable business operations restrictions under the state’s cluster action initiative.

**What Has Changed** The Executive Order (EO) Number 202.68 requires companies located in specific areas within New York State to apply public health restrictions in addition to the existing social distancing measures and reopening requirements.

**Executive Order No. 202.68** On 6 October 2020, the New York State Governor Andrew Cuomo issued EO No. 202.68 as a continued effort to slow the spread of the 2019 novel coronavirus disease (COVID-19). Specifically, EO No. 202.68 establishes a cluster action initiative to address COVID-19 hot spots in certain parts of the state. Accordingly, companies located in the hot spot areas must comply with the new or additional set of rules and restrictions promulgated under the initiative. EO No. 202.68 took immediate effect on 6 October 2020 and remains effective until 5 November 2020. *Cluster Action Initiative* EO No. 202.68 orders the New York State Department of Health (DOH) to determine areas in the state that require enhanced public health restrictions. Based on the level of cluster-based cases of COVID-19, DOH is directed to classify the areas into red, orange, and yellow zones. First, the following mitigation measures apply to “red zones,” which are the most severe areas of the state:

all non-essential businesses must reduce in-person workforce by 100 percent; and

all food establishments must cease serving food or beverage on-premises and may be open for takeout or delivery only.

Next, the following mitigation measures apply to “orange zones,” which are the moderate severity warning areas:

certain non-essential businesses, for which there is a higher risk associated with the transmission of COVID-19, including gyms, must reduce in-person workforce by 100 percent; and

all food establishments must only provide food or beverage for outdoor consumption with a maximum of 4 people per table and takeout or delivery.



Lastly, in “yellow zones” or the precautionary areas, non-essential businesses are permitted to conduct in-person operations. Food establishments are also allowed to provide food or beverage for indoor and outdoor consumption, provided that a seated group or party does not exceed 4 people. Accordingly, companies located in the hot spot areas must comply with the applicable mitigation measures. Companies must regularly check the [New York Forward](#) website for the maps of cluster hot spots. As of the date EO No. 202.68 took effect, areas within Brooklyn, Queens, and Broome, Orange, and Rockland Counties were identified as cluster hot spots.

**More Information** For more information, see the Office of the Governor website for [EO No. 202.68](#). Additional information on the cluster action initiative is available on the [New York Forward](#) website.

### 2.1.6 US - NEW YORK Companies to continue complying with the existing social distancing measures and reopening requirements, as the state disaster emergency period is extended to 3 November 2020

**Abstract:** Companies that operate in New York State must note that the state disaster emergency declared for the outbreak of COVID-19 has been extended until 3 November 2020. Accordingly, companies must remain in compliance with all applicable COVID-19 related requirements imposed under Executive Orders and other regulations through 3 November 2020, unless otherwise amended.

**Business Impact:** The New York State Governor Andrew Cuomo’s Executive Order (EO) Number 202.67 does not impose any additional requirements on the company. However, if the company conducts in-person operations in New York State, it must continue to implement all applicable social distancing measures mandated under the New York State Governor’s Executive Orders. Further, it must continue to comply with the provisions of the COVID-19 Emergency Regulations, such as business operations restrictions. The company must remain in compliance with any such COVID-19 related requirements until 3 November 2020, unless otherwise amended.

**Analysis: Actionable Requirements** If the facility owns or operates food establishments, it complies with the reopening requirements, such as the maximum indoor occupancy limits.

If the facility owns or operates any gym or fitness center, it complies with the reopening requirements, such as the maximum indoor occupancy limits.

If the facility is not permitted to conduct in-person operation under the state's phased reopening plan, it requires all employees to work from home.

If the facility is conducting in-person operation during the COVID-19 public health emergency, it ensures that employees are practicing social distancing at the workplace.

If the facility is conducting in-person operation during the COVID-19 public health emergency, it ensures that all employees who may interact with the public wear face-coverings and provides the face-coverings as necessary.

If the facility is conducting in-person operation under the state's phased reopening plan, it reviews and implements all applicable preventive measures provided in the state's industry-specific reopening guidance.

If the facility is conducting in-person operation under the state's phased reopening plan, it affirms business compliance to the state's industry-specific reopening guidance.

If the facility is conducting in-person operation under the state's phased reopening plan, it develops a site-specific COVID-19 Reopening Safety Plan.

If the facility is conducting in-person operation under the state's phased reopening plan, it conspicuously posts its COVID-19 Reopening Safety Plan.

If the facility has any individuals entering its premises, including the members of the public, it ensures that they comply with the face-coverings requirement, such as by denying entry of individuals without face-coverings.

If the facility has any individuals entering its premises, including the members of the public, it implements health screening practices, such as conducting temperature checks at entrances.

**What Has Changed** The Executive Order (EO) Number 202.67 does not impose any new or additional requirements on companies. Instead, it continues to require companies to comply with the provisions enforced under previously issued Executive Orders and the COVID-19 emergency regulations.

**Executive Order No. 202.67** On 4 October 2020, the New York State Governor Andrew Cuomo issued EO No. 202.67 as a continued effort to slow the spread of the 2019 novel coronavirus disease (COVID-19). Under the previously issued EO No. 202.60, the state disaster emergency for the outbreak of COVID-19 in New York State was declared to last until 4 October 2020. EO No. 202.67 extends the state disaster emergency from 4 October 2020 to 3 November 2020. Accordingly, companies must continue to comply with the requirements imposed under other executive orders made during the state disaster emergency until 3 November 2020, unless further extended. Such requirements include, for example, ensuring that employees and any other individuals present in the workplace are wearing face-coverings as appropriate. Additionally, companies must ensure continued compliance with the COVID-19 Emergency Regulations at 10 NYCRR Subpart 66-3, which is valid for the duration of the state disaster emergency.

**More Information** For more information, see the Office of the Governor website for [EO No. 202.67](#). Additional information, including the most current COVID-19 status in New York State, is available on [DOH's website](#).

### 2.1.7 PUERTO RICO Companies must continue to comply with COVID-19 State of Emergency requirements, including a mandatory curfew until 16 October 2020

**Abstract:** Effective 1 October 2020, companies must continue to comply with restrictions extended by Executive Order: OE-2020-076, which extends measures to reduce and prevent the spread of COVID-19. The territory-wide measures include a curfew from 10 p.m. to 5 a.m. until 16 October 2020.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it must continue to comply with all applicable COVID-19 restrictions, including compliance with a territory-wide curfew and mandatory face masks.

#### Analysis: Actionable Requirements

If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with the territory-wide curfew from 10 p.m. to 5 a.m.

If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with all applicable COVID-19 prevention requirements, including complying with physical distancing, sanitation, and facial covering requirements.

If the facility owns or operates dining facilities, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

If the facility owns or operates retail facilities, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

If the facility owns or operates fitness facilities during the COVID-19 state of emergency, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

**What has changed?** The requirements listed above have been reissued and extended as part of Executive Order: OE-2020-076. These requirements are set to expire on 16 October 2020.

**Additional Information** For more information, see [Executive Order: OE-2020-076](#), available only in Spanish.

## 2.2 Europe

### 2.2.1 CZECH REPUBLIC Companies holding an event must comply with limited number of attendees

**Abstract:** As of 5 October 2020 until 18 October 2020, companies holding an event must ensure the number of attendees does not exceed 10 for indoor events and 20 for outdoor events.

**Business Impact:** Until 18 October 2020, if the company holds an event, it must ensure the number of attendees does not exceed 10 for indoor events and 20 for outdoor events.

**Analysis: Actionable Requirements** (new) If the company holds an event, it must ensure the number of attendees does not exceed 10 for indoor events and 20 for outdoor events.

**What has changed** The Government of the Czech Republic adopted an [Urgent Resolution No. 958](#) on 30 September 2020, providing for protective measures against the spread of the COVID-19 virus. This Urgent Resolution is applicable as of 5 October 2020 until 18 October 2020. Until now, the limitation of the number of attendees for indoor events has been 500 and for outdoor events 1000.

**Additional Information** On 30 September 2020, the Government has proclaimed a state of emergency in the Czech Republic, by a [Resolution No. 391/2020 Coll.](#) This state of emergency is in force as of 5 October 2020 until 3 November 2020. The proclamation of the state of emergency does not have any direct impact on companies.

### 2.2.2 HUNGARY Companies can consult the Corporate White Book for preparing a corporate pandemic plan to prevent the spread of COVID-19 and reduce risks at workplaces

**Abstract:** From 8 September 2020, companies can use the Corporate White Book published by the Ministry for Innovation and Technology for developing a corporate pandemic plan to help prevent the spread of the COVID-19 pandemic and reduce the related risks in the workplace. The online publication provides practical suggestions on protection and organization of works for companies.

**Business Impact:** If the company operates during the COVID-19 pandemic and has employees at the workplace, it is recommended for the company to consult the Corporate White Book published by Ministry for Innovation and Technology in order to develop a corporate pandemic plan. This would help the company with preventing the spread of the COVID-19 pandemic and reducing the related risks in the workplace. The company should be aware that the Corporate White Book does not specify legal requirements for companies, and the implementation of the recommendations is voluntary.

**Analysis:** On 8 September 2020, the Ministry for Innovation and Technology published a [Corporate White Book](#) that contains practical guidance for companies for drawing up and implementing a corporate COVID-19 pandemic plan. The Corporate White Book does not specify legal requirements for companies; implementation of the recommendations is voluntary.

**Content of the Corporate White book** The Corporate White Book includes suggestions for companies for planning the required measures for the mitigation and prevention of the risks related to COVID-19, and for ensuring the continuous operation of the companies during the pandemic. The Corporate White Book lists the main risks related to COVID-19 spreading at workplaces, such as industrial facilities, offices, commercial facilities, construction and food industry, and agricultural facilities. For example, the main risks at industrial facilities include the shared use of closed spaces, work at a production line, commonly used dining facilities, and use of public transport. The Corporate White Book specifies rules for the preparation and planning of the prevention measures required to avoid the spread of COVID-19 at workplaces. For example, it is suggested for companies to establish an ad hoc COVID-19 work team that would coordinate the preparation and planning of the prevention measures and ensure the implementation of the required measures. Furthermore, companies should overview the tasks, activities, and resources essential for the operation of the company, and update the workplace risk assessment at the individual and corporate levels. The Corporate White Book includes a checklist and a description of risk mitigation and prevention measures that companies can implement to protect the health and safety of employees against COVID-19. These recommended measures include, for example, training employees on the proper use of face masks, introducing flexible work time to avoid the rush hour when using public transport, and developing social bubbles where face-to-face contacts are restricted to a limited number of employees. Based on the recommendations of the Corporate White Book, companies are advised to prepare a plan for ensuring continuous operation during the pandemic. In this context, companies should form a strategic reserve for essential supplies, raw materials, personal protective and other equipment, and prepare a plan for substituting key employees in the case of their sickness.

### 2.2.3 **IRELAND** Companies operating countrywide must now comply with stricter number limits for events as Ireland transitions to level 3

**Abstract:** Due to COVID-19, the Irish government has now transitioned the entire country of Ireland to level 3 of Ireland's Framework for Restrictive Measures in Response to COVID-19. This means that, since 7 October 2020, companies carrying out operations anywhere in Ireland must refrain from organizing indoor events, and adhere to number limits of 15 persons for outdoor events. Restrictions are also set out on the operation of businesses such as restaurants and cafes that sell food and non-alcoholic beverages countrywide, however, these restrictions do not apply to staff canteens.

**Business Impact:** If the business organizes or causes a relevant event to be organized, it must ensure that the event only takes place outdoors, and must take all reasonable steps to ensure that the event is attended or proposed to be attended by no more than 15 persons. The Return to Work Safely Protocol remains operative for businesses at all levels of the Framework for Restrictive Measures and businesses must continue to comply with it in their operations. Businesses throughout the country must ensure that people work from home unless it is absolutely necessary to attend in person, in accordance with the government's Framework for Restrictive Measures in Response to COVID-19.

**Analysis: Actionable requirements** -Since 7 October, if the company organizes, or causes a relevant event to be organized anywhere in Ireland, it ensures that the event only takes place outdoors, and takes all reasonable steps to ensure that the event is attended or proposed to be attended by no more than 15 persons.

**What has changed** The [Health Act 1947 \(Section 31A - Temporary Restrictions\) \(Covid-19\) \(No. 6\) Regulations 2020 \(S.I. No. 413 of 2020\)](#) (the Regulations) were adopted under the [Health Act 1947](#) and came into force on 7 October 2020. The Regulations revoke the previous Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 5) Regulations 2020 (S.I. No. 352 of 2020). Under the Regulations, restrictions on events and the operation of certain businesses such as restaurants and cafes which previously applied only to Counties Dublin and Donegal only will now apply to the entire country. These restrictions are set to remain in force until 28 October 2020.

**Additional information** *Relevant events* Under the Regulations relevant event refers to an event held, or to be held, for social, recreational, exercise, cultural, entertainment or community reasons. These restrictions do not apply to, for example, events held in dwellings and sporting events, which are regulated separately. When calculating or reckoning the number of persons attending a relevant event, people who are attending the event as workers in a professional capacity in the course of their employment or in fulfilment of a contract for services do not need to be counted. *Food and drink* Under the Regulations, outlets selling food and/or non-alcoholic beverages must ensure that: -the business operates on a takeaway only basis; or -they sell food or beverages for consumption in an area of part of the premises the entirety of which is situated outdoors and which holds no more than 15 people. These restrictions do not apply, however, if the outlet is a staff canteen operating for the exclusive use of persons working in, or at, a particular premises. *Offences* Non-compliance with these restrictions will be deemed an offence under section 31A of the Health Act 1947. Persons guilty of an offence under this section may be liable to a class C fine of maximum 2,500EUR or to a prison term of up to 6 months, or both. *Framework for restrictive measures* The Irish government has developed a Framework for Restrictive Measures in Response to COVID-19 (the Framework) as part of the government's Resilience and Recovery 2020-2021: Plan for Living with COVID-19 (the Plan), which sets out levels of restriction which can be applied at national or county levels. The accompanying Framework is a risk management strategy indicating the Irish government's plans for dealing with COVID-19 in the coming 6-9 months, including accompanying measures that are assigned to particular levels. A description of the Framework is set out on pages 8-10 of the Plan, with a detailed graphic indicating the measures at each level set out on 11-13. A graphic summarizing measures for particular levels under the Framework is available here. Under level 3 businesses must ensure that people work from home unless it is absolutely necessary to attend in person. Adherence with the Return to Work Safely Protocol remains operative for businesses operating at all levels.

#### 2.2.4 SLOVAKIA Companies are forbidden to organize event with more than 50 attendees and are required to comply with additional preventive measures

**Abstract:** As of 1 October 2020, companies with canteens must ensure regular and efficient cleaning and disinfection of the premises, and are forbidden to hold events or gathering with a number of attendees exceeding 50. Additionally, companies are required to adopt additional preventive measures, such as to ensure that all people within the facility (both in indoor or outdoor premises) are wearing a facemask or other protection of mouth and nose.

**Business Impact:** If the company wants to hold an event, it must ensure the number of attendees does not exceed 50, and must take appropriate measures, such as ensuring everyone at the event wears a face mask. Additionally, if the company has a canteen, it must carry out regular and efficient cleaning and disinfection of the premises. The company is also required to adopt additional preventive measures, such as to ensure that all people within the facility (both in indoor or outdoor premises) are wearing a facemask or other protection of mouth and nose.

**Analysis: Actionable Requirements** If the company operates a canteen in its facility, it regularly disinfects and cleans the premises.

If the company organizes an event or gathering, the number of attendees must not exceed 50 people.

The company ensures people wear a face mask in the premises.

The company provides all people entering the premises with hand disinfection or single-use gloves.

The company displays a sign signifying the obligation to wear a face mask and to disinfect hands.

The company regularly ventilates the premise.

The company regularly disinfects the surfaces that are often touched.

**What has changed** The Public Health Authority of the Slovak Republic has adopted the Urgent Measure No. OLP/7694/2020 (Urgent Measure) on 30 September 2020, in order to prevent the spread of COVID-19 virus. This Urgent

measure repealed the [Urgent Measure No. OLP/6911/2020](#) regarding the obligation for companies employing workers who had the obligation of quarantine due to travels abroad, and it is applicable as of 1 October 2020. Pursuant to the Urgent Measure, operators of all facilities are required to adopt more stringent measure sin order to prevent the spread of the COVID-19 virus, such as to ensure that all people within the facility (both in indoor or outdoor premises) are wearing a facemask or other protection of mouth and nose - it does not apply to the moment of consumption of drinks and food. The Urgent Measure does not specify the definition of "facility" in this case. Additionally, the facilities with canteens must ensure regular and efficient cleaning and disinfection of the premises. There is no further guidance on how often the sanitization should be carried out. Companies are forbidden to held events or gathering with a number of attendees exceeding 50.

**Additional information** If the company organizes any event complying with the **number of 50 attendees**, it has to comply with the following additional measures:

- it ensures everyone at the event wears a face mask;
- it is prohibited to eat or drink during the time of the event;
- it ensures regular disinfection of the premises, particularly the surfaces that people often touch;
- the toilets are equipped with liquid soap and paper towels;
- it ensures there is a dispenser with alcoholic disinfection for hand at the entrance to the premises;
- it informs every attendee that in a case of any symptoms, the person is obliged to stay in home quarantine;
- it visibly displays the information that:
  - people are prohibited to touch one another's hands; and
  - if the attendee shows symptoms of the acute breathing illness, she/he immediately has to contact the doctor and leave the venue.
- it ensures that attendees keep at least two meters distance when they enter and when they leave the venue;
- if the attendees are seated, it ensures there is at least one place unoccupied between two seats;
- it ensures regular ventilation.

On 30 September 2020, the Slovak Government has adopted a state of emergency for the entire country, by the [Resolution No. 587](#). The state of emergency will last 45 days and is in force as of 1 October 2020. The proclamation of state of emergency itself does not have any direct impact on companies.

## 2.3 Asia & Oceania

### 2.3.1 **NEW ZEALAND** Businesses operating in Auckland are no longer required to comply with workplace physical distancing, contact tracing requirements and social gathering limits, while businesses countrywide must continue to display QR codes for contact tracing

**Abstract:** Since 7 October 2020, companies no longer have to comply with alert level 2 requirements which had previously been in place for businesses operating in Auckland in relation to workplace physical distancing, contact tracing and maintaining number limits for social gatherings, as the entire country has been transitioned to alert level 1. Businesses must continue to comply with previous requirements for the display of QR codes for the purposes of contact tracing in workplaces, which apply countrywide.

**Business Impact:** If the company conducts operations in the Auckland area, it is no longer required to comply with alert level 2 requirements, including previous requirements for workplace physical distancing, contact tracing and adherence to social gathering number limits. If the company operates a business anywhere in New Zealand, it must continue to comply with requirements to display QR codes for the purposes of contact tracing.



**Analysis: Actionable requirements** The COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 does not create new requirements for companies, but requirements for the display of QR codes by workplaces for the purposes of contact tracing continue in force.

If the business is a person in control of a workplace anywhere in New Zealand, it displays a copy of a QR code for the workplace in a prominent place at or near the main entrance of the workplace.

**What has changed** Since 7 October 2020, the [COVID-19 Public Health Response \(Alert Level Requirements\) Amendment Order \(No 3\) 2020](#) (the Amendment Order) amended the [COVID-19 Public Health Response \(Alert Level Requirements\) Order 2020](#) (the Order). The Amendment Order removes the previously applicable alert level 2 requirements which had been placed on businesses operating in the Auckland area. These requirements included requirements such as physical distancing and contact tracing for workplaces, as well as number limits for gatherings. At present, only the requirements for the display of QR codes for the purposes of contact tracing under the Order remain in force for businesses countrywide, as the entire country has been transitioned to alert level 1. The Amendment Order also revokes a number of definitions such as the definition of gathering and defined space and makes minor amendments to certain definitions, such as the definition of person in control.

**Additional information** *Businesses required to display QR codes* Persons in control of a workplace operating anywhere in New Zealand must continue to ensure that a copy of a QR code for the workplace is displayed in a prominent place at or near the main entrance of the workplace. For the purposes of the Order, a person in control in relation to a premises means a person who manages or controls the premises, and includes: -any occupier of the premises; and -if a facility or venue of a business or service is hired for an event or activity, that business or service. This requirement does not apply if the workplace is a vehicle. Under the Order, QR code means a unique identifying code issued by the New Zealand Government for the purpose of enabling contact tracing. *Offences* If a business does not comply with the requirements of the Order, it commits an infringement offence under the COVID-19 Public Health Response Act 2020 and may be liable for an infringement fee of 300NZD or a fine imposed by a court of up to 1000NZD.

### 2.3.2 SINGAPORE Companies are subject to additional regulations of working hours, workplace and hosting events during COVID-19 pandemic

**Abstract:** On 28 September 2020, the Parliament of Singapore published COVID-19 (Temporary Measures) (Control Order) (Amendment No. 15) Regulations 2020 (hereinafter the Amendment), which provides more detailed regulations concerning working hours and workplace restriction and events hosted by enterprises during COVID-19 pandemic.

**Business Impact:** If the company is a permitted enterprise, it must ensure that no more than 50% of its workers perform their work at their workplace simultaneously and no worker perform his or her work at workplace for more than half of his or her total normal working hours in any consecutive four weeks. The company also must ensure that no in person gathering involving any of its workers takes place on its premises or elsewhere for a recreational or social purpose or for a purpose other than the production of income, with enumerated exceptions.

**Analysis: Actionable Requirements** -If the facility is a permitted enterprise, it does not, at any time, cause or permit more than 50% of its workers to perform work at their workplace, beginning 28 September 2020. -If the facility is a permitted enterprise, it ensures that no worker perform his or her work at workplaces for more than half of his or her total normal working hours in any consecutive four weeks. -If the facility is a permitted enterprise, it ensures that no event involving an organized gathering in person involving any of its workers to take place on its premises or elsewhere for a purpose that is substantially recreational or social in nature, beginning 28 September 2020. -If the facility is a permitted enterprise, it ensures no event involving an organized gathering in person involving any of its workers to take place on its premises or elsewhere for a purpose not substantially related to the production of income, beginning 28 September 2020.

**What has changed?** The above listed requirements are introduced for the first time.

**Additional Information Definitions:** “Permitted enterprise” means enterprise who provided permitted services (a list of permitted services can be found at <https://covid.gobusiness.gov.sg/permittedlist/>).

“Workplace”, for a permitted enterprise worker, means a place that is outside of the permitted enterprise worker’s place of residence, and where the permitted enterprise worker is required to be at work for his or her employer.

“Normal working hours” means the time (in hours) that is agreed between an employer and an employee to be the usual time during which an employee is at the disposal of the employer and is not free to dispose of his or her own time and movements; or in the absence of any such agreement, 8 hours a day.

**Exceptions for Events by permitted enterprises** The regulations also provide some exceptions of events by permitted enterprises. For example, an organized gathering of workers in person is permitted if the purpose of the gathering is professional or vocational training, and if the all required safety management measures are taken. The exceptions are listed in Section 13F(2) of COVID-19 (Temporary Measures) (Control Order) (Amendment No. 15) Regulations 2020.



## 3. October 22, 2020

### 3.1 The US & Canada

#### 3.1.1 CANADA - NEW BRUNSWICK Facilities must ensure employees wear face masks during COVID-19

**Abstract:** Effective 8 October 2020, facilities must ensure that the employees wear a face mask in indoor places, including public spaces where the public and employees interact (such as retail businesses, malls, and service centres) and common areas (such as lobbies, elevators and hallways) in order to minimize the spread of the novel coronavirus (COVID-19).

**Business Impact:** If the facility admits the general public to its workplace, such as clients and customers, it must ensure all the employees and the general public are wearing a face mask as of 8 October 2020 at the workplace in order to minimize the spread of the novel coronavirus (COVID-19). Furthermore, facilities must ensure all employees are wearing a face mask in common areas (such as lobbies, elevators and hallways) and when working closer than 2 metres from each other until further notice.

**Analysis: Actionable requirements** The facility ensures every employee wears a face mask in a common area (such as lobbies, elevators and washrooms). If the facility employs workers who work closer than 2 metres from each other, it ensures they wear a face mask.

**What has changed?** On 8 October 2020, the New Brunswick Government announced a new measure, that masks are mandatory in most indoor places under the [Mandatory Order - COVID-19](#) until further notice.

**Additional information** Under the Mandatory Order - COVID-19, masks are mandatory in most indoor places, including: public spaces where the public and employees interact (such as retail businesses, malls, and service centres); and common areas (such as lobbies, elevators and hallways) and public shared spaces (such as private sector and government workspaces). Face masks are not required in offices, in which an employee is working alone or in an indoor worksite where employees are separated by a physical barrier. Furthermore, in the workplace where the general public is not admitted, the facility must ensure the employees wear a face mask only when working closer than 2 metres of each other and when accessing common areas (such as lobbies, hallways, washrooms and elevators). Facilities can print out and post signs and fact-sheets at the workplace on the coronavirus [website](#) (such as on physical distancing and wearing a mask).

#### 3.1.2 US - HAWAII Companies must continue to comply with the face-coverings requirement and implement COVID-19 safe practices as the COVID-19 emergency period is extended through 30 November 2020

**Abstract:** Effective 13 October 2020, companies that conduct in-person operations in Hawaii must continue to comply with physical distancing requirements and any other applicable industry and regulatory guidelines related to COVID-19 issued by the federal, state, and local agencies. Further, companies must continue to ensure that individuals comply with

the appropriate county's face coverings requirement. High-risk companies must continue to cease in-person operations until 30 November 2020, unless otherwise amended.

**Business Impact:** If the company is conducting in-person operations, it must continue implementing safe practices at its workplaces, including physical distancing, sanitization, and face-coverings requirements. The company must continue to follow any guidelines issued by the county and adhere to industry-specific guidance issued by federal, state, or local agencies and industry organizations. If the company is considered a high-risk business or not otherwise permitted to conduct in-person operations under the county's reopening status, it must continue to require all employees to stay home and work from home or cease operation.

**Analysis: Actionable Requirements** If the facility engages in a non-essential high-risk business, it requires all employees to work from home.

If the facility conducts in-person operation during the COVID-19 emergency period, it implements safe practices in the workplace, such as providing sanitizing products.

If the facility conducts in-person operation during the COVID-19 emergency period, it ensures that all employees who may interact with the public wear face coverings.

If the facility conducts in-person operation during the COVID-19 emergency period, it ensures that all individuals in the premises, including its employees and any visitors, wear face coverings, as appropriate.

**What Has Changed** The Fourteenth Supplementary Proclamation does not impose any additional requirements on companies. Instead, it continues to allow non-essential medium-risk businesses to conduct in-person operations and require non-essential high-risk businesses to remain closed. Additionally, it continues to require all persons to wear face coverings in compliance with the county orders, rules, and directives.

**Fourteenth Supplementary Proclamation** On 13 October 2020, the Hawaii State Governor David Y. Ige issued the Fourteenth Supplementary Proclamation (Proclamation) to continue protecting the state from the 2019 novel coronavirus disease (COVID-19). The Proclamation extends the COVID-19 emergency period to 30 November 2020 and directs counties to stay in Phase 2 of the State Roadmap to Recovery and Resilience until further notice. Accordingly, companies must continue to comply with county-specific reopening guidance and face coverings requirements, safe practices under the Proclamation, and any applicable industry-specific standards published at the county, state, and federal levels.

**More Information** For more information, see the Office of the Governor website for the [Fourteenth Supplementary Proclamation](#). Additional information on the current reopening status in Hawaii, including county-specific and industry-specific reopening guidelines, is available on the [Hawaii Recovery Navigator](#) website.

### 3.1.3 US - MICHIGAN Michigan loosens size limits for gatherings and events while Region 8 will revert back to Phase 4 of the Michigan Safe Start Plan

**Abstract:** Effective 9 October 2020, companies in Region 8 are subject to more stringent COVID-19 related restrictions in order to control the recent increased COVID-19 case rates. Previously, Region 8 along with Region 6 were subject to less stringent COVID-19 related restrictions than the rest of the regions in Michigan. However, this change will revert Region 8 back to Phase 4 of the Michigan Safe Start Plan to join the rest of the regions in Michigan. Meanwhile, the overall size restrictions for gatherings and events in Michigan are loosened to allow, for example, gatherings with fewer than 20 people per 1,000 square feet wearing face coverings.

**Business Impact:** Effective 9 October 2020, the company must comply with amended restrictions on attendance at social gatherings and organized events and remote work requirements. If the company is located in Region 6 (Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency,

Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet), the company is subject to less stringent COVID-19 related restrictions than the rest of the counties in Michigan. In Region 6, the company must ensure that the size of an indoor event or gathering of more than 10 and fewer than 500 people does not exceed 25% of seating capacity for a venue with fixed seating or 20 people per 1,000 square feet of venue space without fixed seatings. Also, it is only advised to require workers to work from home to perform works that can be performed remotely. If the company is located in regions other than Region 6, including Region 8, the company must ensure that the size of an indoor event or gathering of more than 10 and fewer than 500 people complies with the maximum gathering size limits that are 20% of seating capacity for a venue with fixed seating and 20 people per 1,000 square feet of venue space without fixed seatings. Also, the company must allow only workers to work from home to perform works that can be performed remotely.

**Analysis: Actionable Requirements** If the company conducts in-person operations in Regions other than Region 6, it ensures that any work that is capable of being performed remotely is performed remotely. If the company holds an indoor event or a social gathering of between 10 and 500 people, it ensures that all individuals at the venue wear face coverings.

If the company is located in Regions other than Region 6 and holds an indoor event or a social gathering of between 10 and 500 people, the company complies with the maximum gathering size limits for indoor events that are 20% of seating capacity for a venue with fixed seating and 20 people per 1,000 square feet for a non-fixed seating venue space.

If the company is located in Region 6 and holds an indoor event or a social gathering of between 10 and 500 people, the company complies with the maximum gathering size limits for indoor events that are 25% of seating capacity for a venue with fixed seating or 20 people per 1,000 square feet for a non-fixed seating venue space.

**What has changed?** The Michigan Governor Gretchen Whitmer issued Executive Order 2020-183 to relax the restrictions on attendance at social gatherings and organized events. The maximum gathering size limit does not apply to the incidental gathering of workers in the workplace. Also, an Executive Order 2020-192 has been issued to revert Region 8 back to Phase 4 of the Michigan Safe Start Plan. As a result, companies located in Region 8 must allow their employees to work from home when the works can be performed remotely. Previously, it was only advised that companies in Regions 6 or 8 allow workers to work from home.

**More Information** Under the relaxed restrictions, indoor gatherings or events of 10 or fewer people and outdoor gatherings or events of 100 people or fewer are permitted. *8 Regions in Michigan* For the purpose of COVID-19 related executive orders, Michigan is divided into 8 separate regions as follows:

Region 1 Monroe, Washtenaw, Livingston, Genesee, Lapeer, Saint Clair, Oakland, Macomb, and Wayne;

Region 2: Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Ottawa, Kent, and Ionia;

Region 3: Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, Saint Joseph, and Branch;

Region 4: Oscoda, Alcona, Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Saginaw, Tuscola, Sanilac, and Huron;

Region 5: Gratiot, Clinton, Shiawassee, Eaton, and Ingham;

Region 6: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet;

Region 7: Hillsdale, Lenawee, and Jackson; and

Region 8: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.

**Additional Information** More information can be found in [Executive Order \(2020-183\)](#) and [Executive Order \(2020-192\)](#).

### 3.1.4 US – MICHIGAN MIOSHA cites over 30 businesses in Michigan for violating Michigan's COVID-19 related workplace safety requirements

**Abstract:** Companies conducting in-person operations in Michigan should note that the Michigan Occupational Health and Safety Administration (MIOSHA) has cited 34 businesses in August and September 2020 for violating Michigan's COVID-19 workplace safety requirements. MIOSHA inspected and found that these companies failed to implement measures to protect employees from contracting COVID-19. The cited companies are required to fix and report that they have fixed hazards to protect employees based on MIOSHA's suggestions. Although MIOSHA's citations do not directly impact companies, companies should continue to comply with Michigan's COVID-19 workplace safety measures.

**Business Impact:** The Michigan Health and Safety Administration's (MIOSHA's) citation of 34 companies for violations of COVID-19 safety measures has no direct impact on the company. However, if the company conducts in-person operations during the COVID-19 emergency in Michigan, it should continue to follow MIOSHA's safety measures and comply with existing health and safety requirements. Failure to comply with these measures to protect employees from contracting COVID-19 can lead to enforcement and penalties up to 7,000 USD.

**Analysis:** In August and September 2020, the Michigan Occupational Health and Safety Administration (MIOSHA) conducted inspections and issued COVID-19 general duty citations to a total of 34 businesses for violations of COVID-19 workplace safety measures. MIOSHA's general duty citation can carry a fine of up to 7,000 USD. MIOSHA cited businesses for combinations of the following violations:

- lack of a preparedness and response plan;
- failure to train employees on COVID-19;
- failure to conduct daily self-screening protocols for COVID-19;
- not placing posters in the languages common in the employee population;
- not enforcing social distancing;
- failure to require face coverings for employees when social distancing could not be maintained;
- failure to maintain records of the daily entry self-screening protocols;
- failure to properly clean and disinfect high-touch surfaces; and
- failure to designate an onsite supervisor to monitor COVID-19 control strategies.

Companies conducting in-person operations in Michigan must, for example:

- develop a COVID-19 preparedness and response plan (COVID-19 Plan) within 2 weeks of resuming in-person activities and make a plan readily available to employees and customers via website, internal network, or by hard copy;
- designate one or more supervisors to implement, monitor, and report on COVID-19 Plan;
- conduct COVID-19 training to employees about, at a minimum, workplace infection-control practices, the proper use of personal protective equipment, procedures on notifying symptoms of COVID-19 or a suspected or confirmed cases, and ways to report unsafe working conditions and maintain training records;
- conduct a daily entry self-screening protocol for who enters the workplace and maintain records of entry;
- ensure social distancing on the worksite so that everyone is at least 6 feet from one another by, for example, employing ground markings, signs, or physical barriers;
- Provide face coverings (non-medical grade) to their employees;
- Require face coverings to be worn when employees cannot consistently maintain 6 feet distance and consider face shields when employees cannot consistently maintain 3 feet of separation from other individuals in the workplace;
- implement increased cleaning and disinfecting measures, especially on high-touch surfaces and shared equipment or products;
- adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace;
- make cleaning supplies available to employees upon entry and at the worksite;
- notify, within 24 hours, the local public health department and any workers who may have been in close contact with the person when an employee is identified to have COVID-19 and maintain related records; a
- must not discharge, discipline, or otherwise retaliate against employees who stay home or who leave work when they are

at a particular risk of infecting others with COVID-19.

**More information** The full text of the news on the MIOSHA's August citations can be found [here](#) and [here](#). The full text of the news on the MIOSHA's September citations can be found [here](#). More information on Michigan's workplace safety measures can be found [here](#).

### 3.1.5 US - VERMONT Companies must continue to comply with COVID-19 State of Emergency requirements until 15 November 2020

**Abstract:** Effective 15 October 2020, the Governor of Vermont issued an executive order that extended the COVID-19 state of emergency to 15 November 2020. Companies must continue to comply with all COVID-19 operational requirements until 15 November 2020. This date may be extended or cut short by another executive order.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, then it must continue to comply with all applicable COVID-19 restrictions until 15 November 2020. This date may be extended or cut short by another executive order.

**Analysis: Actionable Requirements** If the facility operates during the COVID-19 state of emergency, it complies with all sanitation, social distancing, and occupancy requirements issued by the Vermont Agency of Commerce and Community Development (ACCD).

If the facility operates during the COVID-19 state of emergency, it (1) implements measures to notify all customers and clients that they must wear masks or cloth facial coverings and (2) denies entry or service to customers or clients who decline to wear mask or cloth facial coverings.

**What has changed?** The requirements for operating during the COVID-19 state of emergency are now set to expire on 15 November 2020. Before this order, which is titled Addendum 6 to Amended and Restated Executive Order 01-20: Extension of State of Emergency Declared March 13, 2020, the state's operational requirements were set to expire on 15 October 2020.

**Additional Information** [For more information, see Addendum 6 to Amended and Restated Executive Order 01-20: Extension of State of Emergency Declared March 13, 2020.](#)

### 3.1.6 PUERTO RICO Companies must continue to comply with COVID-19 State of Emergency requirements, including a mandatory curfew until 9 November 2020

**Abstract:** Effective 16 October 2020, companies must continue to comply with restrictions extended by Executive Order: OE-2020-077, which extends measures to reduce and prevent the spread of COVID-19. The territory-wide measures include a curfew from 10 p.m. to 5 a.m. until 9 November 2020.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it must continue to comply with all applicable COVID-19 restrictions, including compliance with a territory-wide curfew from 10 p.m. to 5 a.m and mandatory face masks.

**Analysis: Actionable Requirements** If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with the territory-wide curfew from 10 p.m. to 5 a.m.

If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with all applicable COVID-19 prevention requirements, including complying with physical distancing, sanitation, and facial covering requirements. If the facility owns or operates dining facilities, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures. If the facility owns or operates retail facilities, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures. If the facility owns or operates fitness facilities during the COVID-19 state of emergency, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

**What has changed?** The requirements listed above have been reissued and extended as part of Executive Order: OE-2020-077. These requirements are set to expire on 9 November 2020.

**Additional Information** For more information, see [Executive Order: OE-2020-077](#), available only in Spanish.

## 3.2 Europe

### 3.2.1 AUSTRIA – FEDERAL Stricter requirements for events with large crowds introduced

**Abstract:** As of 26 September 2020, Amendments of the Federal Act on Epidemics and the Act on Measures during the Covid-19 pandemic entered into force, implementing a Corona Commission and requirements for events with larger crowds.

**Business Impact:** The Amendments have no direct impact on companies. If the company plans an event where large crowds could accumulate, it should note that it needs a permit from the local authorities, it will have to prepare a hygiene concept and the event could be subject to further restrictions.

**Analysis: Actionable Requirements:** There are no actionable requirements.

**What has changed?** On 25 September 2020, the Federal Government published the [Amendments of the Epidemic Act 1950, the Tuberculosis Act, and the COVID-19 Measures Act](#) implementing new competencies for authorities during an epidemic. The Amendments of the Federal Act on Epidemics are, among others:

In connection with the identification of contact persons, all companies who have relevant information to identify contact persons in cross-border cases, such as passenger transport companies or accommodation establishments, are obliged to provide information to the Federal Minister responsible for health care upon request; all events that could lead to an accumulation of larger crowds are subject to receive a permit, have to be in compliance with certain conditions or requirements, such as preparing a hygiene concept, and can be restricted to specific persons or occupational groups;

The most important changes to the Act on Measures during the Covid-19 pandemic are, among others:

In order to advise the Federal Minister responsible for public health on the assessment of the epidemiological situation, an advisory board (Corona-Kommission) will be established at the Federal Ministry of Social Affairs, Health, Care, and Consumer Protection;

The entry of public places, public transport, or specific establishments can be restricted by the Federal health authorities if SARS-CoV-2 infections are detected;

Insofar as it is essential to prevent the spread of COVID-19 in order to prevent an imminent breakdown of medical care or similar emergency situations, and other less restrictive measures would not be sufficient, an Ordinance could order that leaving private residences is only permitted for specific purposes.

**Background Information:** The [Federal Act on Epidemics](#) regulates which diseases have to be reported to the local authorities, the competencies of the local and federal authorities in case of an epidemic, and measures and restrictions that can be taken. The [Act on Measures during the Covid-19 pandemic](#) regulates restrictive measures that can be taken to regulate the entry into public transportation and public traffic, the entry of establishments, workplaces, and public places, to prevent the spread of COVID-19.

### 3.2.2 ENGLAND Companies must ensure that workplace canteens are shut between the hours of 22:00 to 05:00 and impose cautionary measures when organizing gatherings, in light of COVID-19 developments.

**Abstract:** From 14 October 2020, companies which operate onsite canteens or cafes within the designated 'very-high', 'high' or 'medium' COVID-19 areas, must ensure that they remain shut between the hours of 22:00 and 05:00 and impose stringent measures when organising gatherings of more than 30 people, to minimize the risk of transmission of the coronavirus.

**Business Impact:** If the company has a cafe or workplace canteen onsite, it must ensure that they are shut between the hours of 22:00 and 05:00, unless there is no alternative way for individuals to obtain food and drink. In addition, if the company holds a gathering of 30 people or more, it must have issued a risk assessment and followed any government guidance pertaining to gatherings.

**Analysis:** These measures are imposed as part of the government's three-tier system, which divides England into medium, high and very high COVID-19 alert areas. The aim is to apply tighter measures where COVID-19 is more widespread, to help combat and contain the spread of coronavirus. However, in relation to companies' obligations, the requirements remain the same throughout the three-tier system. After 14 October 2020, 28 days hereafter, the restrictions referring to the 'very high' risk areas will cease to have effect. The Regulations referring to the 'high' or 'medium' COVID-19 areas, will expire 6 months after 14 October 2020.

**Actionable Requirements** Companies ensure that all workplace canteens or cafes, are shut between 22:00 and 05:00, unless there is no practical alternative for staff at that workplace to obtain food or drink between those hours. If a gathering of more than 30 people takes place on company premises, it takes necessary measures to limit the spread of COVID-19 by taking into account a risk assessment and the government's guidance on gatherings.

**Required precautions for gatherings** Companies that organise gatherings of more than 30 people indoors or outdoors, must carry out a *risk assessment* that would satisfy the requirements of regulation 3 of the [Management of Health and Safety at Work](#). This requires employers to make a suitable and sufficient assessment of the risks to the health and safety of its employees during the course of their work and to their surrounding work environment, and impose necessary measures hereof. Moreover, companies should follow [government guidance](#) referring to gatherings.



**Restrictions on opening hours of businesses and services** Companies that operate onsite cafes or workplace canteens must ensure such facilities are shut between the hours of 22:00 and 05:00, unless there is no alternative for staff to obtain food or drinks.

**Enforcement and Penalties** If companies are found in contravention with the requirements, a first fixed penalty of GBP 1,000 will be issued, with second amounting to GBP 2,000, the third to GBP 4,000 and the fourth and subsequent one amounting to GBP 10,000. If the company has previously been penalized under one of the following Regulations, then a contravention pertaining to the “very high”, “high” or “medium” restrictions will be counted as a second offence and vice versa. The following Regulations apply: The [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#), [Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#) or [Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) Regulations 2020](#). [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Very High\) \(England\) Regulations 2020 \(S.I.1105\)](#), [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(High\) \(England\) Regulations 2020 \(S.I.1104\)](#) and [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I.1103\)](#) are available online.

### 3.2.3 GERMANY – FEDERAL Government recommendations on indoor air ventilation during the Covid-19 pandemic

**Abstract:** In September 2020, the Federal Government published a Recommendation for companies on how to ventilate rooms in a manner to protect employees from infections from the SARS-CoV-2 virus in the air. The recommendations are intended to give guidance and safety to companies on how to ensure the occupational health of their employees according to § 4 Labour Protection Act (ArbSchG).

**Business Impact:** If the company has employees who are working within buildings it should be aware of the recommendations for ventilation of the interiors of buildings during the SARS-CoV-2 epidemic. The company should increase ventilation and improve the functioning of air conditioning systems according to the governmental recommendations to avoid infections of SARS-CoV-2 amongst their employees.

**Analysis:** On 16 September 2020, the Federal Government published their [recommendations on infection-proof ventilation](#) at the workplace. The SARS-CoV-2 virus is mainly transmitted via droplets and aerosols through aspiration. Therefore, in addition to distance and general contact restrictions, indoor air hygiene is important for infection protection. The five recommended measures are based on two general insights on the infection processes indoor, which are based on scientific research:

Intensive, professional ventilation of building interiors effectively removes or reduces the concentration of excreted viruses and thus reduces the risk of infection in rooms used by more than one person; and

Individual ventilation measures can reduce, but not completely eliminate, risks of infection. Therefore, infection-proof ventilation usually requires a coordinated package of several individual measures.

Therefore, the Federal Government recommends that the ventilation of interiors of buildings where several persons are present not only in the short term has to be improved in particular by increasing air exchange and outside air supply or correspondingly filtered air in such a way that risks of infection are largely minimized. The following 5 measures are recommended: 1.) The top priority is intensive and professional ventilation. The corresponding requirements of [Technical Rule for Workplaces A3.6. “Ventilation”](#) have to be consistently implemented within buildings in all workplaces that are used by several people not only for a short time. For example:

a meeting room should be ventilated every 20 minutes for 3 minutes in winter, 5 minutes in spring/autumn, and 10 minutes in summer.

ASR 3.6 “Ventilation” in Chapter 5 contains a table to determine the required window size or a maximum number of persons for ventilation cross-sections. Due to the current reduction in the occupancy rate as a result of the distance



control, the ventilation cross-sections determined for regular operation can be considered sufficient. In addition, it is recommended to ventilate after each sneeze, cough, or similar.

additional CO<sub>2</sub> monitoring by means of appropriate measuring devices is recommended especially in rooms with high occupancy of persons, such as conference rooms.

2.) Employers are required to immediately check the proper functioning of all ventilation and air conditioning installations (RLT-Anlagen) in buildings as well as to carry out necessary repair and maintenance work or to ensure that the respective operator carries out these tasks. 3.) The operating parameters of air conditioning systems in buildings have to be optimized immediately:

continuous operation or extension of the operating time of the air conditioning systems before and after the actual period of use.

Less recirculated air, more fresh air: avoiding or reducing the recirculation mode and setting the ventilation unit to the highest possible air exchange rate through outside air.

4.) The upgrading of air conditioning systems that cannot be operated 100% with fresh air through additional effective and efficient ways of reducing airborne viruses, especially SARS-CoV-2, has to be reviewed and implemented where necessary. In the case of recirculation systems, a filter upgrade should be carried out, for example by replacing class F7 dust filters with class ISO ePM1 70% filters (formerly F8) or, better, ISO ePM1 80% (formerly F9), if the installation complies with the relevant technical requirements. If technically feasible, it is generally preferable to upgrade with high-performance particulate filters (HEPA - H 13 or H 14). 5.) If a high occupancy density within buildings cannot be avoided, the Federal Government recommends the use of CO<sub>2</sub> measuring devices, especially for rooms ventilated with windows, so that necessary ventilation measures can be identified and initiated in time.

### 3.2.4 GREECE From 12 October to 25 October 2020 companies must follow the protective and preventive measures against the spread of Covid-19 applicable to the regional unit in which they operate

**Abstract:** Effective from 12 October to 25 October 2020, companies allowed to operate in Greece must follow the protective and preventive measures against covid-19 according to what is prescribed to the regional unit where they operate. The measures are classified in low, medium, high and very high depending on the severity of the covid-19 spread. This also applies to catering companies, canteens, and gyms operating in office buildings.

**Business Impact:** If the company is allowed to resume its operations in Greece, it must be aware that the measures against the spread of coronavirus are now applicable according to the regional unit, based on the severity of the spread of the virus in the region. The units are classified as low (green), medium (pink), high (orange) and very high (red) level of protection, and the measures vary. For example, if a company operates in a high level of protection (orange), it must ensure that 40% of its workforce teleworks, irrespective of vulnerable group employees, whereas if it operates in a medium level of protection (pink), it must ensure that 20% of its workforce teleworks.

**Analysis: Actionable requirements** If the facility is located in a regional unit classified as low level "preparedness" (green), it ensures social distancing and reduces the capacity of canteens to 80%. If the facility is located in a regional unit classified as medium level "surveillance" (pink), it ensures that 20% of the workforce teleworks, and it reduces the capacity of canteens to 65%. If the facility is located in a regional unit classified as high level "increased surveillance" (orange), it ensures that 40% of the workforce teleworks and it ensures that the use of locker rooms in gyms is prohibited. If the facility is located in a regional unit classified as very high level "increased risk" (red), it ensures that client service is offered only in urgent circumstances and after appointment, and that the operation of canteens, gyms and the organization of conferences is suspended.

**What's changed?** The requirements listed above are new. They modify the previous system of protective and preventive measures against the Covid-19 spread in Greece. Companies must now observe the measures applicable to the regional unit where they carry out their activities, including offices, gyms, conferences, canteens.

**Additional information** The Joint Ministerial Decision [64450/2020](#) "social distancing rules and other protective measures for Greece against the Covid-19 spread" was issued by 13 Ministries and takes effect from 12 October to 25 October 2020. It replaces, amid others, the Ministerial Decision [56435/2020](#) on "social distancing rules on the whole of Greece" and the Ministerial Decision [59626/2020](#) on "urgent measures for the Attica Region". Companies must now follow rules depending on the classification of their regional unit. The Map of Health Safety and Protection against the infection of the Covid-19 can be found in the following website: <https://covid19.gov.gr/covid-map/>. The measures are classified in 4 different levels, according to the severity level of the spread of the virus. The measures are divided as follow: -low level "preparedness" (green), social distancing rules of 1,5 meters, protection of vulnerable employees, reduction of capacity of canteens to 80%, among others; - medium level surveillance (pink) :teleworking of 20% of the workforce, reduction of capacity of canteens to 80%, preference to accommodate clients after booking an appointment, among others; - high level "increased surveillance" (orange): teleworking of 40% of the workforce, prohibition of the use of locker rooms in gyms, provision of client service based on priority in urgent circumstances and after booking an appointment, use of face masks by both employees and the public (while waiting to be served) and only 4 people in one table in canteens, among others; and - Very high level "increased risk" (red): suspension of activities such as catering, canteens, gym, conferences, and only provision of take-away, among others.

### 3.2.5 **POLAND** Companies to comply with harsher national and regional restrictions adopted in order to combat the spread of COVID-19

**Abstract:** As of 10 October, facilities must comply with harsher restrictions adopted in order to combat the spread of the coronavirus (COVID-19). More specifically, in accordance with the Ordinance of 9 October 2020, facilities must ensure all workers onsite are provided with a sanitizing gel or disposable gloves and wear protective masks during contact with clients. Additionally, facilities with canteens onsite must ensure that canteen workers and users cover their nose and mouth with facemasks. If the facility is located in a red or yellow zone, it must provide other measures preventing the spread of COVID-19, such as limiting the number of people present in the facility gym.

**Business Impact:** If the facility, has workers present onsite, it is subject to requirements aiming to prevent and combat the spread of COVID-19, such as to provide workers with sanitizing gel or disposable gloves and to make sure that workers having a direct contact with clients wear protective masks at the facilities. In addition, if the facility is located in the designated yellow or red zone, it must abide by additional measures such as limiting the maximal number of the facility canteen or gym users. The company should be aware that failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

**Analysis: Actionable requirements** The facility ensures that all workers are provided with sanitising gel or disposable gloves. (new requirement) The facility ensures that the distance between workstations is at least 1.5 metres. (new requirement) The facility ensures that all workers onsite which have direct contact with clients wear protective masks. (existing requirement based on a different legal basis) If there is a canteen in the facility, until further notice, the service of the canteen, such as chefs and waiters, as well as any people using the canteen until they are seated, are obliged to cover their nose and mouth with protective masks. (existing requirement based on a different legal basis) If the facility is in the yellow or red zone and has a canteen onsite, it must ensure that at every 4 square meters (m2) of the canteen there is not more than one person at a time. (existing requirement based on a different legal basis) If the facility is in the yellow zone and has a gym onsite it must ensure that at every 10 square meters (m2) of the gym there is not more than one person at

a time and users of the gym keep the distance of 1,5m between each other. (existing requirement based on a different legal basis) If the facility is in the red zone and has a gym onsite it must ensure that at every 7 square meters (m<sup>2</sup>) of the gym there is not more than one person at a time and users of the gym keep the distance of 1,5m between each other. (existing requirement based on a different legal basis)

**What has changed** The Ordinance of the Council of Ministers of 9 October 2020 on setting limitations, prohibitions and requirements related to the outbreak of the epidemic (the new Ordinance) repeals the Ordinance of the Council of the Ministers on setting restrictions and bans with regards to the outbreak of the pandemic of 7 August 2020. (the Old Ordinance). The New Ordinance saves the previously existing requirements, adopted under the Old Ordinance (for example, the wearing of protective masks) but also introduces 2 new requirements. More specifically, in accordance with the New Ordinance facilities must provide sanitizing gel or disposable gloves to the employees. Furthermore, the facility must ensure the distance between workstations is at least 1.5 meters. Additionally, the new Ordinance no longer divides the territory of Poland into 3 categories, but in 2: yellow and red zones. The whole territory of Poland, except the regions classified in the red zone category, has been classified as a yellow zone. It implies that additional requirements related to limited number of people at facility gyms and canteens will apply to all facilities.

**Additional information** The Ordinance of 9 October 2020 divides the territory of Poland into 2 categories: red and yellow zones. Each region is assigned to the specific category, basing on the number of confirmed COVID-19 cases. The following areas are classified in the red zone category:

- in Podlaskie voivodeship: białostocki and zambrowski county (*powiat*) and Suwałki;
- in Kujawsko-Pomorski voivodeship: aleksandrowski county and Grudziądz;
- in Greater Poland voivodeship (*województwo wielkopolskie*): krotoszyński, międzychodzki, rawicki and wolsztyński county;
- in Silesian voivodeship: kłobucki county;
- in Warmińsko-Mazurskie voivodeship: bartoszycki, iławski, ostródzki and nidzicki county;
- in Opolskie voivodeship: oleski county;
- in Podkarpackie voivodeship: dębicki, mielecki county;
- in Lubelskie voivodeship: janowski, łęczyński and włodawski county;
- in Świętokrzyskie voivodeship: kielecki county and Kielce;
- in Mazowieckie voivodeship: otwocki and szydłowiecki county;
- in Zachodniopomorskie voivodeship: Koszalin;
- in Pomorskie voivodeship: kartuski, kościerski pucki, słupski county and Sopot;
- in Łódzkie voivodeship: Piotrków Trybunalski, bełchatowski, wieluński county; and
- in Lesser Poland voivodeship (*województwo małopolskie*): limacowski, myślenicki, nowotarski, suski and tatrzański county.

The whole territory of Poland, except the regions classified in the red zone category, has been assigned to the yellow zone category.

**Fines** Under the Act of 5 December 2008 on preventing and combating infections and infectious diseases, facilities that fail to follow obligations stated in the Ordinance of 9 October 2020, are subject to a fine of PLN 5 000 to 30 000 (approximately EUR 1 100- EUR 6 800).

### 3.2.6 PORTUGAL Companies must comply with stricter health and safety rules in the Metropolitan Areas of Lisbon and Porto due to the COVID-19 epidemic

**Abstract:** Between 1 October 2020 and 31 March 2021, companies operating in the Metropolitan Areas of Lisbon and Porto who have 50 or more employees must comply with stricter health and safety rules, such as the creation of teams or complying with a specific interval for the rotation system that needs to be implemented. The geographical areas might change, depending on the evolution of the COVID-19 pandemic in Portugal.

**Business Impact:** If the company is located in the Metropolitan Areas of Lisbon or Porto and has 50 or more employees, it must implement strict rotation systems and create teams within the company, so that the employees only have contact with their team. The company must also continue to comply with the previously applicable requirements, such as the use of face masks or face shields and making sure that employees maintain at least 1.5 metres of distance between themselves.

**Analysis: Actionable requirements (New)** If the facility is located in the Metropolitan Areas of Lisbon or Porto and has 50 or more employees, it creates teams within the workplace, so that the same employees only maintain contact with that group.

(Existing) If the facility is located in the Metropolitan Areas of Lisbon or Porto and has 50 or more employees, it implements rotation systems, so employees have different time slots to enter and to leave the building.

(Existing) The company ensures that all employees use a face mask or a face shield when the distance of 1.5 metres cannot be complied with.

(Existing) The company ensures that employees keep at least 1.5 metres from each other.

**What has changed?** The actionable requirements listed above include both new and existing requirements. Companies located in the Metropolitan Areas of Lisbon and Porto and have 50 or more employees are now required to separate their employees in teams, and to ensure that each employee only contacts those within its team while at the workplace. These employers must also continue to comply with the previously applicable requirements on employees' daily schedules, use of face masks or face shields and minimum distance between employees. Companies must comply with these requirements between 1 October 2020 and 31 March 2021, at least.

**Additional information** [Decree Law 79-A/2020 of 1 October 2020](#) is integrated in the Portuguese Government's legislative and regulatory response to fighting COVID-19. Employers must ensure that employees only maintain contact with co-workers within their team during the entire period they are onsite, including rest periods and lunch breaks. The intervals between the timeslots of each team must be between 30 minutes and 1 hour. To be able to implement the required rotation systems, employers can change the schedules of the employees up until 1 hour, unless that creates a disproportionate and serious loss to the worker (for example, the inexistence of public transportation who allows the employee to comply with the new schedule). These changes can only occur 1 time per week and must be communicated to the employee at least 5 days in advance. This faculty of the employer does not apply to the protected categories of workers, such as:

pregnant employees/employees who have just given birth/employees who are breastfeeding;

employees who have children minor than 12 years old or dependants who have a disability or are chronically ill; and

employees who are chronically ill or have a disability.

Companies not complying with the requirements of Decree Law 79-A/2020 can be subject to fines ranging between EUR 2,040 and EUR 61,200 per infraction and per employee.

### 3.2.7 PORTUGAL Companies must continue to comply with specific health and safety rules due to the declaration of the state of calamity in Portugal

**Abstract:** Until 31 October 2020, companies operating in Portugal must continue to comply with teleworking, hygiene and social distancing rules for workplaces. These measures follow from Resolution of the Council of Ministers 88-A/2020 and will likely be extended after 1 November 2020.

**Business Impact:** If the company resumes its operation during the COVID-19 outbreak, it must continue to set up strict regimes of daily and periodic cleaning, and disinfection of all the workspace, including any equipment, other objects and surfaces with which employees have daily direct contact, among others. The company must also continue, if it has

facilities located in the Metropolitan Areas of Lisbon and Porto, to have rotation systems, preventing workers from working in the same period. If the workplace does not comply with the minimum health and safety recommendations issued by the competent authorities, the company's facilities must continue to remain closed and its workers must work from home. Upon request, the company must also allow specific categories of workers, such as workers who are demonstrably immuno-compromised, to work from home.

**Analysis: Actionable requirements (New)** Companies ensure that the maximum number of people in a meeting or group is now 5.

(Existing) If the facility is located in the Metropolitan Areas of Lisbon or Porto and has 50 or more employees, it creates teams within the workplace, so that the same employees only maintain contact with that group.

(Existing) The company ensures that all employees use a face mask or a face shield when the distance of 1.5 metres cannot be complied with at the workplace.

(Existing) The company ensures that employees keep at least 1.5 metres from each other.

**What has changed?** The actionable requirements mentioned above include both new and existing requirements. Companies must now ensure that the maximum number of people in a group or a meeting is 5, and no longer 10. Employers must also continue to comply with the previously applicable requirements on use of face masks or face shields and minimum distance between employees. Companies must also continue to allow any worker who has proven to be immuno-compromised, chronically ill or who has a disability of 60% or higher to work from home.

**Additional information** [Resolution of the Council of Ministers 88-A/2020 of 14 October](#) declares the state of calamity in the whole territory of Portugal. It reviews and replaces the requirements previously established in It is integrated in [Resolution of the Council of Ministers 81/2020 of 29 September 2020](#). Resolution of the Council of Ministers 88-A/2020 is integrated in the Portuguese Government's legislative and regulatory response to fighting COVID-19 and it applies between 15 and 31 October 2020. Immuno-compromising conditions and chronic illnesses must be attested by a medical certificate and disabilities must be certified by a document issued by the health authorities (*certificado de incapacidade multiuso*). Failure to comply with the mandatory health and safety rules constitutes a criminal act, punishable by the imposition of fines or even prison, under the relevant Portuguese criminal legislation.

### 3.2.8 SLOVENIA Companies to comply with stricter gathering restrictions as Slovenia declares epidemic amid surge in COVID-19 infections

**Abstract:** As of 19 October 2020, companies operating in Slovenia should be aware that the Slovenian Government has declared an epidemic of the infectious disease COVID-19, which in turn brings about a variety of stricter restrictions aimed at limiting the spread of Covid-19. For example, as of 20 October 2020, gatherings of more than six people are prohibited and persons must stay at home between 9 pm and 6 am.

**Business Impact:** Companies operating in Slovenia should be aware that, as of 19 October 2020, the Slovenian Government has declared an epidemic of the infectious disease COVID-19, which in turn brings about a variety of stricter restrictions aimed at limiting the spread of Covid-19. For example, as of 20 October 2020, gatherings of more than six people are prohibited and persons must stay at home between 9 pm and 6 am.

**Analysis: Actionable requirements:** The company does not organise public gatherings. (requirement amended)  
If the company organizes a public gathering, it ensures that all hygiene recommendations of the National Institute of Public Health are taken into account and that contact between people is minimised.(requirement repealed)

**What has changed** Previously, companies were allowed to organize public events of up to 50 people, and persons were allowed to partake in gatherings of up to 10 people. As of 20 October 2020, however, companies must not organize any public gatherings/events and gatherings of more than 6 people are prohibited (including gatherings of less than 6 persons if a safety distance of 2 meters cannot be observed), as provided for by the [Ordinance on the temporary partial restriction of movement of persons and restriction or a ban on gathering people due to prevention of SARS-CoV-2 infections OJ 147/2020](#). Furthermore, previously, persons were only required to wear protective face masks when moving or staying in closed public places or premises and in open public places or spaces, if it is not possible to ensure a person distance of at least 2 meters. As of 15 October 2020, pursuant to the amended [Ordinance on temporary measures to reduce the risk of infection and the spread of SARS-CoV-2 virus infection OJ 124/20](#), persons moving or staying in statistical regions where the number of newly infected persons in the last 14 days exceeds 140 persons per 100,000 of the population must use of a protective mask in all open public spaces, including inside their own personal vehicles. Additionally, persons are prohibited from movement between/outside of statistical regions where the number of newly infected persons in the last 14 days exceeds 140 persons per 100,000 of the population. Previously, no such restriction was in place. The [National Institute of Public Health](#) (NIJZ) publishes official data on the number of infected people by region at least once a week on its [website](#) and in the Official [Gazette of the Republic of Slovenia](#). This restriction was previously non-existent.

**Gathering and movement restrictions** Pursuant to the [Ordinance on the temporary partial restriction of movement of persons and restriction or a ban on gathering people due to prevention of SARS-CoV-2 infections OJ 147/2020](#), gatherings of more than 6 people are temporarily prohibited. Moreover, gatherings of up to six people are only allowed if it is possible to ensure for a minimum safety distance between people in accordance with the adopted instructions or recommendations of the National Institute of Public Health (NIJZ). Additionally, all events, weddings and religious ceremonies are temporarily prohibited. Ordinance OJ 147/2020 also imposes a curfew which requires persons to stay at home/indoors between 9 pm and 6 am, except in the case of:  
elimination of imminent danger to health, life and property,  
arrival and departure for work and performance of urgent work tasks, and  
access and provision of emergency services.

**Use of protective masks** Pursuant to the [Ordinance amending the Ordinance on temporary measures to reduce the risk of infection and the spread of SARS-CoV-2 virus infection OJ 143/2020](#), as of 15 October 2020, persons moving or staying in statistical regions where the number of newly infected persons in the last 14 days exceeds 140 persons per 100,000 of the population must use of a protective mask in all open public spaces, including inside their own personal vehicles. Nonetheless, persons do not need to wear a protective face mask inside of their vehicle if they are driving alone or if they are driving with members of the same household.

**Working from home** Where possible, companies should continue to enable workers to work from home and ensure for a safe home working environment.

### 3.2.9 SLOVENIA Occupational medicine recommendations on safe working conditions during the Covid-19 pandemic published by the Clinical Institute of Occupational, Traffic and Sports Medicine (KIMPDŠ)

**Abstract:** As of 20 October 2020, companies located in Slovenia can consult the Occupational medicine recommendations on safe working conditions during the Covid-19 pandemic. The recommendations provide for a variety of Covid-19 related measures to be implemented by businesses in case of continued operation, restarting operation and in case of confirmed or suspected infection in the company.



**Business Impact:** Companies located in Slovenia can, as of 20 October 2020, consult the Occupational medicine recommendations on safe working conditions during the Covid-19 pandemic. The recommendations provide for a variety of Covid-19 related measures to be implemented by businesses in case of continued operation, restarting operation and in case of confirmed or suspected infection in the company.

**Analysis: Occupational medicine recommendations on safe working conditions during the Covid-19 pandemic** The Clinical Institute of Occupational, Traffic and Sports Medicine (*Klinični inštitut za medicino dela, prometa in športa*) (KIMPDŠ) has published [recommendations](#) regarding the prevention of the spread of COVID-19 in the work environment, specifically with regards to businesses re-starting operations/returning workers to work and to potential cases of infection at the workplace. Employers should consult and implement these recommendations in order to comply with their obligations under the [Occupational health and safety act OJ 43/2011](#), as amended, which requires them to ensure for safe working conditions. **1. Measures to be taken before re-starting operation** Before restarting production or operations, it is necessary to ensure safe working conditions for employees and prepare a plan for proper action in the event of confirmed infection with COVID-19 in the company. If companies have not already done so, KIMPDŠ advises companies to form a Covid-19 crisis team that determines, regulates and monitors activities at the workplace. Moreover, prior to returning workers to work, the employer must, at the suggestion of a professional and/or occupational medicine specialist, mark workplaces where there is a moderate risk of contact with potentially infected persons (co-workers and/or clients) with COVID-19. In such jobs, it is necessary to carry out a re-organization of work. If it is not possible to provide a safety distance of at least 1.5 m, it is necessary to provide personal protective equipment to employees (and customers). If these measures cannot be strictly observed, it is necessary to transfer health-related high-risk workers from these posts.

**Reorganization of work** The work process must be planned in advance so that a safe distance of 1.5 m between employees and between employees and customers will be ensured at all times. Companies should consider implementing the following measures:

- allowing employees to work in "isolation" (without contact with others) or from home;
- preventing people with signs of colds or fever from entering the company (measuring the temperature at the entrance);
- prevent congestion at the entrance to the company by introducing shift work or diluting the number of employees present at the workplace;
- in the case of products given to several workers during the production process, reorganize the work so that as few people as possible handle the same product; and
- preventing close contact during lunch breaks by extending lunchtime, rearranging chairs in the dining room or having employees eat at their offices.

**Workplace hygiene** It is necessary to prepare clear instructions for workplace hygiene for employees, with an emphasis on regular and consistent hand washing, proper use of face masks and disinfection of surfaces, which must be done at least at the end of each shift. Companies should consider implementing the following measures:

- regular room ventilation;
- regular cleaning or disinfection of surfaces (especially the most critical points - hooks, keyboards, bells, );
- use of surgical or washing masks;
- regular hand washing and disinfection; and
- use of gloves (recommended only in cases where the work process requires it).

**2. Measures to be taken during operation** Informing employees about general hygiene measures, changes in the organization of work and responsible behavior at work must take place continuously even after the resumption of work. Consistent implementation of measures should be checked regularly (even several times a day). The company should appoint a responsible person(s) to verify the implementation of Covid-19 related measures. Lastly, the volume of production or the service should be increased gradually, taking into account the current epidemiological circumstances, on the basis of which the workplace risk should be re-assessed before each planned change or new plan of preventive measures is prepared. **3. Action plan in case of suspected or confirmed Covid-19 infection** Before returning employees to work, each company should prepare an action plan in case of the presence of an infected worker at the workplace, which



must provide for the procedure of isolation of the sick person, disinfection of the sick person's workplace (temporary closure of the worksite) and verification of workplace contacts. The patient's close contacts at the workplace should be informed and, at the discretion of the epidemiologist, offered for testing.

### 3.2.10 SWEDEN Companies must continue to refrain from organising public gatherings and events of more than 50 participants in Sweden

**Abstract:** Companies are not yet allowed to organise public gatherings and public events of more than 50 participants in Sweden. On 9 October 2020 the Swedish Government announced that it will postpone a decision on the proposed exemption to the prohibition to hold public meetings and events. The proposal would have allowed for more than 50 participants in public meetings and events with seating.

**Business Impact:** As of 9 October 2020, companies must continue to refrain from organising public gatherings and events of more than 50 participants in Sweden. The Swedish Government has decided to postpone the proposed exemption to the prohibition of general gatherings and public events due to the current coronavirus circumstances. It had been proposed to allow general gatherings and public events of more than 50 participants provided that social distancing could be ensured by allocated seats with at least a 2-meter distance from each other. The Government will continue to consult the Swedish Public Health Authority if the abovementioned exception can be introduced in a later phase.

**Analysis:** According to the recent [announcement](#) of the Swedish Government on 9 October 2020, the exemption to the prohibition of general gatherings and public events that was proposed earlier is now postponed due to the current coronavirus circumstances. According to the temporary [Ordinance \(SFS 2020:114\) on Prohibition to Hold Public Meetings and Public Events](#) public gatherings and events of more than 50 participants are prohibited in Sweden for the moment due to the risk of spreading of the coronavirus. Meetings or events can be considered public, if they are organised for the public or open to the public. On 24 August 2020, the Swedish Government proposed to clarify the provisions of the Ordinance (2020:114). The proposed changes included an exemption to hold general gatherings and public events of more than 50 participants where social distancing could be ensured by allocated seats with a safe distance. The proposal was planned to enter into force on 1 October 2020 but it has now been postponed. As a result, the Government has instructed the Swedish Public Health Authority (Folkhälsomyndigheten) to examine possibilities for an exemption to the public gatherings and events and how such events could be arranged in a safe manner. In the meanwhile, the Government introduced on 2 October 2020 an [amendment to Ordinance \(2020:114\)](#) concerning gatherings and events held in certain food establishments (*serveringsställen*). The changes mean that the prohibition to hold general gatherings and public events with more than 50 participants no longer applies when they are held in certain food establishments, such as restaurants and cafes. However, this exemption does not extend to, for example, staff restaurants in workplaces. The amendment entered into force on 8 October 2020.

## 3.3 Latin America

### 3.3.1 ARGENTINA NATIONAL Companies with non-essential or exempted activities must remain closed or continue to work remotely following the extension of the lockdown until 25 October

**Abstract:** Until 25 October 2020, companies, unless exempted, must continue to cease their activities as Argentina has extended the lockdown under the same conditions as the previous extension. This follows from Decree 792/2020 which extends the lockdown in some areas of the country (such as the Metropolitan Area of Buenos Aires and Santa Cruz province), while it keeps the social distancing measures in the rest of the provinces. Among other minor changes, the lockdown has become re-imposed in many provinces (for instance, Santa Fe, La Rioja and Córdoba), in which previously the lockdown had been eased and replaced with social distancing measures.

**Business Impact:** If the company operates in the Metropolitan Area of Buenos Aires or in some specific areas (such as some regions of Jujuy, Salta or Tucumán provinces) and does not carry out any of the activities classified as essential or expressly exempted (such as food or pharmaceutical industries, manufacture of products for the export, or construction sector), it must continue to cease its operations until 25 October 2020. The company can remain operational remotely, if possible. If the company operates in any other area where the lockdown has been lifted, it can continue with its activities, subject to the authorization of the local authorities. Among others, the company must continue to comply with the sanitary protocols specific to its activity, ensure there is a physical distance of at least 2 meters between workers, and comply with any decision of local authorities regarding opening hours and operating days. In addition, the company can organize employees in turns for granting the physical distance in rooms used for resting or eating.

**Analysis: Actionable requirements** If the company carries out activities in areas under lockdown (such as the Metropolitan Area of Buenos Aires or Santa Cruz province) and does not carry out essential or expressly exempted activities, it remains shut down, or continues its operations remotely, until 25 October 2020. Additionally, if the company has resumed activities, it must continue to comply with the 2 meters physical distance, adequately ventilate areas allocated for rest, food, or any other activity within the working environment.

**What has changed?** The above-listed actionable requirements are not new. The Decree 792/2020 extends the lockdown until 25 October 2020 in areas where the number of COVID-19 cases continues to increase, whereas it extends the obligation to comply with social distancing measures, without lockdown, in the rest of the country. The Decree imposes a stricter lockdown in several provinces (such as Santa Fe, La Rioja, Córdoba and San Juan), and keeps the same conditions as the previous extension. Among minor changes, interjurisdictional transport is now allowed for essential workers or emergencies (such as medical treatments in a different province). In addition, the Decree does not longer include the list of expressly exempted activities as before (such as companies manufacturing goods for export, industrial activities with continuous production processes and construction sector), which are now defined in the Administrative Decisions issued by Chief of Cabinet and by local authorities. Nonetheless, this change does not affect companies, as the activities that were listed in [Decree 754/2020](#) as exempted continue to be exempted from the lockdown.

**Additional information** On 11 October 2020, the Argentine government published Decree 792/2020, which extended the lockdown. In this regard, the lockdown continues to be imposed in some areas of Jujuy, Santa Cruz, La Rioja, Río Negro, Salta, Santiago del Estero and Tucumán provinces and the Metropolitan Area of Buenos Aires (*Área Metropolitana de Buenos Aires -AMBA*), which includes the City of Buenos Aires and 35 municipalities of the Buenos Aires province, including, among others:  
La Matanza;

Vicente López; and  
Avellaneda.

The following activities are exempted from the lockdown, among others:

food and pharmaceutical industries;

provision of construction materials and the industrial activities related to it;

economic activities taking place in Industrial Estates (*Parques Industriales*)

health and safety professionals;

manufacture of products for the export; and

industrial activities with continuous production processes, to which the interruption of their operations would damage their production lines or machinery (for instance, glass and metal industries).

Moreover, local authorities are allowed to request the national government the exemption of further activities, subject to the existence or elaboration of a sanitary protocol. Furthermore, companies that do not carry out essential activities must provide private transport means to their workers, since public transport is reserved only for essential workers (such as healthcare workers and police officers).

In areas where the lockdown has been eased, the following social distancing measures must be respected, among others:

physical distance of at least 2 meters;

use of face masks;

regular hands washing;

disinfection of surfaces of common use; and

ventilation of closed environments.

Companies carrying out industrial and commercial activities must continue to comply with the sector protocol specific to their activities and restrict the attendance to 50% of their capacity. Furthermore, companies must ensure that there is a physical distance of at least 2 meters in indoors resting areas or canteens.

Finally, employees over 60 years of age, pregnant women, workers included within risk groups (such as people with diabetes, respiratory diseases, or under cancer treatment) or workers whose presence at home is required for taking care of children or elders continue to be exempted countrywide from attending their workplaces.

[Decree 792/2020, extending the lockdown until 25 October 2020](#) is available online in Spanish.

### 3.3.2 BRAZIL - FEDERAL DISTRICT Public hearings conducted by the Environmental Institute of Brasília are now virtual

**Abstract:** From 6 August 2020 and until the end of the measures to contain the COVID-19 pandemic, public hearings regarding environmental licensing processes conducted by the Environmental Institute of Brasília (Instituto Brasília Ambiental - IBRAM) are virtual, due to the COVID-19 pandemic. An exception applies when it comes to the interest of people and traditional communities (indigenous and quilombos) and rural settlements. There are no new direct requirements for companies.

**Business Impact:** Even if it does not impact its activities as a warehouse or data center, if the company has ongoing environmental licensing processes that have public hearings conducted by the Environmental Institute of Brasília (Instituto Brasília Ambiental - IBRAM), it should note that these will be held virtually. An exception applies to licensing procedures that deal with matters of interest of people and traditional communities (indigenous and quilombos) and rural settlements.

**Analysis: Actionable Requirements** There are no new requirements for companies.

**What has changed?** [Normative Instruction 27/2020](#) establishes that, exceptionally, there will be virtual public hearings in the environmental licensing processes conducted by the Environmental Institute of Brasília (Instituto Brasília Ambiental -

IBRAM), as long as restrictions to contain the COVID-19 pandemic are in force. An exception applies to environmental licensing processes that directly concern the interest of people and traditional communities (indigenous and quilombos) and rural settlements. These hearings must continue to be presential.

**Brief analysis** Normative Instruction 27/2020 is part of the Environmental Institute of Brasília (*Instituto Brasília Ambiental - IBRAM*) measures to deal with the COVID-19 pandemic. It applies since 6 August 2020. The call for the meeting is to be made through a Notice of Public Hearing (*Aviso de Audiência Pública*), that will have information such as a description of the topic and of the process that is going to be discussed or the date and hour of the public hearing. The information needs to be published on the website of [IBRAM](#) at least 5 days ahead, and the Notice, regulation and studies regarding the public hearing at least 30 days ahead. IBRAM must annex the brief minutes and the complete minutes of the public hearing to the environmental license, that will be published in the Federal District Official Gazette (*Diário Oficial do Distrito Federal*) and on the website of IBRAM, maximum 30 days after the date of the hearing. As before, the opinions, suggestions, criticisms and information collected during the public hearing are advisory and non-binding, and aim to help IBRAM when making decisions on an environmental licensing procedure.

### 3.3.3 BRAZIL - RIO DE JANEIRO Companies can be required to manufacture Personal Protective Equipment (PPE) and materials used for its production to the public authorities

**Abstract:** As of 17 July 2020, the Government of the State of Rio de Janeiro has the power to administratively request a company to supply materials used in the production or to use its production resources to manufacture Personal Protective Equipment (PPE) to be provided to the government authorities for distribution among health professionals due to the COVID-19 pandemic.

**Business Impact:** If requested by the Government during the state of public calamity caused by the COVID-19 pandemic, it must supply the public authorities with materials to be used in the manufacture of Personal Protective Equipment (PPE) or manufacture the requested PPE. The company will receive economic compensation for supplied materials or PPE.

**Analysis: Actionable Requirements** There are no new requirements for companies.

**What has changed?** During the state of public calamity caused by the COVID-19 pandemic, the government of Rio de Janeiro can request private companies to supply materials used in the manufacture of Personal Protective Equipment (PPE) or to manufacture PPE and provide it to the public authorities. The authorities will distribute this PPE among health professionals, public security agents, and other social workers directly supporting the policies against the spread of COVID-19.

**Brief analysis** [Law 8.934 of 16 July 2020](#) allows governmental authorities to issue an administrative request (*requisição administrativa*) requiring companies to provide raw materials and basic products or manufacturing PPE to be used to face the COVID-19 emergency. It applies since 17 July 2020. Companies can be required to provide materials used in the manufacture or to manufacture the following PPE:

- surgical masks;
- hospital gowns;
- surgical cap;
- eye protection or face shield;
- other PPE as recommended by the World Health Organization (WHO).

The administrative request (*requisição administrativa*) is not a contractual instrument and does not create a formal relationship with the public administration. It will be based on clear and objective selection criteria, including, among

others, the production capacity of the operators. Companies will be financially compensated according to values set by the National Health System (*Sistema Único de Saúde - SUS*), which are not publicly available.

### 3.3.4 BRAZIL - SÃO PAULO Quarantine extended until 9 October 2020

**Abstract:** Until 9 October 2020, companies operating non-essential activities in the State of São Paulo, such as gyms and shopping centers, continue to not be allowed to be in operation. This follows from the extension of the quarantine due to the COVID-19 pandemic in the State of São Paulo. This is likely to be further extended.

**Business Impact:** The company must be aware that the operation of non-essential activities (such as gyms and shopping centers) remain suspended until 9 October 2020, following the extension of the quarantine measures in the State of São Paulo.

**Analysis: Actionable requirements** [Decree 65.184 of 18 September 2020](#) does not impose new requirements for companies.

**What has changed?** Decree 65.184/2020 extends the quarantine established by [Decree 64.881 of 22 March 2020](#) until 9 October 2020. As a consequence, the operation of non-essential activities, listed below, remains suspended. Decree 65.184/2020 came into force on 20 September 2020.

**Brief analysis** Decree 64.881/2020 extended the duration of the quarantine in the State of São Paulo, determining the suspension of the following non-essential activities:

- commercial establishments and service providers, especially nightclubs, shopping centers, galleries and similar establishments, gyms, and fitness centers, except for internal activities; and
- local consumption in bars, restaurants, bakeries, and supermarkets, without prejudice to delivery and drive-thru services.

As before, this suspension does not apply, however, to the following services:

- health: hospitals, clinics, pharmacies, laundries and cleaning services, and hotels;
- food: supermarkets and similar, as well as delivery and drive-thru services of bars, restaurants, and bakeries;
- supply: carriers, gas stations and similar, warehouses, mechanical workshops, and newsstands;
- security: private security services;
- social communication: media, including electronic media, carried out by journalistic and radio sound and image companies; and
- other activities related to the [Federal Decree 10.282 of 20 March 2020](#), such as industrial activities and data centers that support other essential activities.

Decree 64.881/2020 also recommended limiting movement of people within the state to the immediate needs of obtaining food, health care or carrying out essential activities.

### 3.3.5 COLOMBIA Colombia has extended the selective and responsible lockdown until 1 November 2020

**Abstract:** Until 1 November 2020, Colombia has extended the selective and responsible lockdown. This follows from Decree 1297 of 2020, which extends the selective lockdown under the exact same conditions as before. As previously, during the selective lockdown phase, most of the activities are allowed, restrictions are eased, and lockdowns are decided

by local authorities of areas with a high number of COVID-19 cases. Despite this, companies must continue to prioritize teleworking where possible. The selective lockdown will last until 1 November 2020.

**Business Impact:** The company must be aware that until 1 November 2020, Colombia continues to be under a selective lockdown. Therefore, if the company operates in a municipality where the number of COVID-19 cases continues to increase, the local authority can reimpose the lockdown for preventing the contagion. In addition, the company must continue to strictly comply with the sanitary protocols, and promote and implement teleworking among the employees whose presence is not essential in the facility.

**Analysis: Actionable requirements**

If the company operates in a region or municipality, where a selective lockdown has been imposed by the local authority, and its activity is not exempted from it, it remains shut down until 1 November 2020, or continues its operations remotely. If the company has resumed activities, it complies with the applicable sanitary protocols.

The company promotes and implements teleworking as much as possible during COVID-19 pandemic.

**What has change?** The above-listed requirements for companies are not new. Decree 1297 of 2020 extends the applicability period of [Decree 1168 of 2020, on the selective and responsible lockdown](#), until 1 November 2020. During the selective lockdown most of activities are allowed and it relies on local authorities to decide the imposition of a lockdown in their territories, if the number of COVID-19 cases increases leading to an outbreak. Consequently, companies must continue to comply with these requirements until 1 November 2020.

**Additional information** On 29 September 2020, the presidency of Colombia published Decree 1297 of 2020, which extends the responsible and selective lockdown until 1 November 2020, under the exact same conditions as before. The following activities continue to be forbidden countrywide:

public and private events involving crowds; and  
bars, and night clubs.

In addition, the country continues to have closed land and water borders with:

Venezuela;  
Panama;  
Ecuador; and  
Brazil.

[Decree 1297 of 2020 extending the selective lockdown until 1 November 2020](#) is available online in Spanish.

### 3.3.6 EL SALVADOR Employers must allow workers considered vulnerable to Covid-19 to conduct their activities remotely or submit the worker for job disability

**Abstract:** From 23 September to 23 October 2020, employers with workers that are considered vulnerable to Covid-19 must provide the means for the worker to conduct its activities remotely from home, assign different tasks so that the work can be conducted remotely, or ensure that those workers that present the respective incapacity issued by a duly authorized physician of the Salvadoran Institute of Social Security receive their compensation. Decree No. 724 Transitory provision that protects workers with vulnerable medical conditions against Covid-19 requires employers to protect workers vulnerable to Covid-19 from becoming infected in the workplace and to guarantee their salary and job security.

**Business Impact:** Companies with employees that are considered to have a vulnerable medical condition from becoming infected with Covid-19 must guarantee an employee's job and salary while on leave of absence from the workplace or must allow the employee to conduct work remotely.

**Analysis: Actionable Requirements** If the facility employs workers that are considered to have a vulnerable medical condition, it assigns those workers tasks that can be conducted remotely from home to prevent them from becoming infected with Covid-19 in the workplace.

**What Has Changed** This is a new requirement for all employers and is effective from 23 September to 23 October 2020.

**Additional Information** [Decree No. 724 Transitory provision that protects workers with vulnerable medical conditions from Covid-19](#) aims at protecting workers that are considered to have a vulnerable medical condition from becoming infected with Covid-19 in the workplace and to guarantee their job and salary. Workers with the following medical conditions are considered to be vulnerable to infection with Covid-19:

- older than 62 and with a decompensated pathology;
- high-risk pregnancy;
- decompensated degenerative chronic diseases;
- decompensated chronic kidney failure;
- transplants;
- decompensated high blood pressure and pulmonary hypertension;
- cancer;
- immunosuppressant treatment;
- decompensated chronic pulmonary disease;
- morbid obesity; and
- Covid-19 in the first month of recovery.

Workers with any of the above medical conditions must submit their medical disability issued by an authorized physician from the Salvadoran Institute of Social Security. Workers must have a medical disability issued by an authorized physician in order to qualify for paid disability if they are not able to work from home. Employers that oblige workers that are considered to have a vulnerable medical condition to report to the workplace to perform their duties or that do not pay the corresponding salary and benefits are subject to sanctions.

## 3.4 Asia & Oceania

### 3.4.1 MOSCOW CITY Companies operating in Moscow no longer required to report on the number of employees working remotely and from the office on a weekly basis (COVID-19)

**Abstract:** As of 19 October 2020, companies operating in the city of Moscow are no longer required to report weekly on the number of employees working from the office and the number working from home. This follows from the adoption of Order No. 101 of 15 October 2020, according to which companies are required to report only in case of changes in the number of employees working from the office and remotely. Following the introduction of a mandatory working from home policy on 5 October 2020, facilities must ensure 30% of the company's employees as well as all employees aged 65 and above work from home in order to curb the spread of the Coronavirus (COVID-19).

**Business Impact:** The company needs to be aware that it is no longer required to report on the number of employees working from home and from the office every Monday. The company must only report in case of changes in the number of employees working remotely and from the office. As a reminder, the company is required to transfer 30% of its employees to work from home, as well as all employees aged 65 and above in order to curb the spread of the coronavirus (COVID-19).



**Analysis: Actionable Requirements** The company reports on the number of employees working from the office and remotely, and updates the information in case it changes.

**What Has Changed** The above requirement is not new. However, according to [Order No. 101-UM of 15 October 2020 amending Order No. 68-UM of 8 June 2020](#), which entered into force on 19 October 2020, companies are no longer required to report on the number of employees working from home and from the office every Monday. Companies must only report in case of changes in the number of employees working remotely and from the office.

**Additional Information** In accordance with [Decree No. 96-UM of 1 October 2020](#), working from home became obligatory for 30% of company's employees, as well as for all employees aged 65 and above, as of 5 October 2020. Consequently, Decree No. 69-UM introduced a requirement for all companies operating in the city of Moscow to report on the number of employees working from the office and the number working from home through an [online tool](#). For submitting the data, companies must download and fill out a form by indicating, among others, the name of the company, the company's INN (идентификационный номер налогоплательщика) (tax number), legal address, and anonymous information about employees who work remotely. For this purpose, the company must set up an account with [mos.ru](#). Once logged in, the form can be found in the "Business Assistance" section of the website.

### 3.4.2 THAILAND Companies operating during the Covid-19 emergency situation must continue to comply with prevention and hygiene requirements until 31 October 2020

**Abstract:** The emergency situation declaration in all areas of the Kingdom was extended through to 31 October 2020. It was previously set to expire on 30 September 2020. All the orders and administration under the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) are still in effect, including the prevention measures for all business operations. Additionally, all recommended precautionary measures remain in effect, including strict hygiene control, frequent surface and hand sanitization, body temperature screening, and social distancing rules.

**Business Impact:** If the facility operates during the Covid-19 emergency situation, it must continue to comply with the regulations issued to prevent and reduce the spread of the disease. These requirements have been extended as a result of the renewal of the declaration of an emergency situation, which extends the duration of the emergency situation through 31 October 2020.

**Analysis: Actionable Requirements** If the facility operates during the declaration of an emergency situation in response to Covid-19, it sets up temperature/fever checks and screens for any symptoms of coughing, difficulty breathing, sneezes, or colds for service staff and visitors at all business operations.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it ensures customers clean their hands with alcohol or sanitizer before entering the shop.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it ensures customers maintain at least 1 metre separation for sitting or standing in waiting and queuing areas.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it ensures customers' chairs are placed clearly apart in the service areas.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it limits the number of customers inside at one time and requires that waiting customers stay outside.

If the facility conducts in-person meetings, seminars, or trainings during the Covid-19 emergency situation, it implements Covid-19 prevention measures such as body temperature screening for attending employees and properly cleaning frequently exposed surfaces.

**What Has Changed** On 29 September 2020, the Cabinet approved the extension of the period of emergency situation declaration in all areas of the Kingdom for one more month, through 31 October 2020. Previously, the declaration was set to expire on 30 September 2020. This is the sixth extension of the emergency situation. The emergency declaration was first issued on 25 March 2020, in accordance with the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005), and it was in effect from 26 March 2020. As a result, all the orders and regulations under the Emergency Decree remain in effect until 31 October 2020, unless extended, modified, or rescinded by another emergency declaration.

**More Information** For more information, see the [29 September 2020 order](#) from the Centre for the Administration of the Situation due to the Outbreak of the Communicable Disease Coronavirus 2019, currently only available in Thai.

## 3.5 Africa & Middle East

### 3.5.1 ISRAEL Companies can benefit from an automatic prolongation of several permits due to the outbreak of the Coronavirus (COVID-19)

**Abstract:** As of 1 October 2020, facilities which have a negative impact on the environment can benefit from an automatic extension of several permits due to the outbreak of the Coronavirus (COVID-19). This follows from the adoption of a Notice published in accordance with the Periodical Prolongation Law, according to which permits which expire between 1 July 2020 and 1 October 2020 will be automatically extended until 31 December 2020. The law applies to permits for the production of hazardous substances, air emission permits, as well as business permits with environmental prerequisites. The permits will be extended without prior inspection from the Ministry of Environmental Protection.

**Business Impact:** If a company operates facilities which have a negative impact on the environment it can benefit from temporary regulatory easements provided by the Ministry of Environmental Defense due to the coronavirus (COVID-19) outbreak. For example, if the company holds a permit for the production of hazardous substances which expires between 1 October 2020 and 30 November 2020, it will receive an automatic renewal until 9 February 2021. Such renewal will be fulfilled provided the company complies with safety distances separation and ensures presence of a vital emergency team at all times. If the company holds an air emissions permit, it can postpone the periodical testing of air emissions dated 1 July 2020 until 28 February 2021. Moreover, if the company applies for a permit with environmental prerequisites and has an authorized specification plan, it will be granted a one-year permit.

**Analysis: Actionable Requirements** The Decree imposes no requirements on companies.

**What Has Changed** On 6 October 2020, the Ministry of Environmental Protection (המשרד להגנת הסביבה) issued a [list of temporary environmental easements](#) for companies which have a negative effect on the environment in order to assist the latter during the coronavirus (COVID-19) pandemic. The easements introduced concern the extension of the following permits:

- hazardous substances permit;
- industrial wastewater discharge permit; and
- business permits with environmental prerequisites.

Permits which expired between 1 July 2020 and 1 October 2020 will be automatically renewed without prior inspection of the premises by the Ministry of Environmental Protection. The permits will be extended until 31 December 2020. Permits which expire between 1 October 2020 and 30 November 2020 will be automatically renewed without prior inspection of

the premises by the Ministry of Environmental Protection. The permits will be extended until 9 February 2021. Extension regarding the submission of periodical reports may be given on a case-by-case basis by the Ministry of Environmental Protection. Accordingly, extended producer responsibility waste recycling reports will no longer enjoy automatic extension as previously. These reports apply to drink containers (מכלי שתיה), packaging waste (טיפול באריזות); electrical and electronic waste (including batteries) (טיפול בצנרת חשמלית ובסוללות) and plastic bags waste (הפחתת שימוש בשקיות פלסטיק).

**Additional information** Hazardous Substances Permit (היתר רעלים) Permits for the production of hazardous substances will be renewed without the Ministry's prior on-site inspection. The facility must comply with 'separation safety distances' (מדיניות מרחיקה הפרדה), which is an obliged safety distance between the site of operation and residential area and/ or area of public use. The renewal will be granted unless the company asks for grave changes in the permit ("grave changes"- addition of above 20% amount or adding new hazardous substances). Additionally, the new permits will not include new regulatory requirements which were not included in the former permit. The new requirements will apply only after the emergency period ends. Furthermore, hazardous waste must continue to be discharged according to the permit. Lastly, facilities must apply the following measures:

a vital emergency team must be present 24/7 at the facility; and

if the facility is shutdown, an on-site check-up of the premises once in 2 days is obligatory.

Air emissions permit (היתר פליטות) While ensuring compliance with Limitation 8589 as regards the minimum amount of workers allowed in workplaces (10% of the entire workforce), which may cause deviation of the emissions allowed, the company must do all it can to ensure permit compliance, public health and environmental protection. Lastly, the periodical testing of air emissions dated 1 July 2020 can be postponed until 28 February 2021. Business Permit with environmental prerequisites (רשיון עסק עם תנאים מטעם נותן האישור במשרד להגנת הסביבה) The company must ensure permit compliance, even in times of emergency or willful shutdown. Based on the current business permit, if a permit expires, an automatic temporary renewal will be given. The same applies to a new permit if the company holds an authorized specification plan. Nevertheless, grave changes will not be allowed without a thorough on-site Ministry inspection.

Industrial Wastewater discharge Permit (דיגומים בתחום שפכי תעשייה) The company must do all it can to ensure permit compliance, public health and environmental protection. If the industrial wastewater discharge is to a municipal treatment facility, the company may postpone the periodical wastewater sampling report until 31 December 2020.

However, if the industrial wastewater discharge is to an industrial treatment facility, the company must comply with the periodical wastewater sampling report permit deadline. Extension may be given on a case-by-case basis.

### 3.5.2 ISRAEL Companies operating in Israel can return to work while ensuring compliance with hygienic and sanitary requirements introduced in order to curb the spread of the coronavirus (COVID-19)

**Abstract:** As of 18 October 2020, companies operating in Israel can benefit from partial lifting of the full-national lockdown introduced on 25 September 2020 in order to curb the spread of the coronavirus (COVID-19). More specifically, according to a Notice published by the Office of the Prime Minister of Israel and the Ministry of Health, all workplaces without ongoing public attendance can return to work (vital and non-vital sectors). The lockdown easement applies to all offices and facilities in Israel and will be re-examined on 31 October 2020.

**Business Impact:** If the company has an office or operates a facility without ongoing public attendance, it can start returning employees to their workplaces as of 18 October 2020. However, the company must still ensure compliance with emergency requirements, such as:

regular body temperature screening;

face mask wearing obligation;

scheduling the same working groups to the same shifts, shuttles; and

eating and drinking alone (one person) at permanent spaces, using own stationary.

As a reminder, the company must not organize indoor meetings with more than 10 employees or more than 20 employees outside. Additionally, the company should be aware that the activity radius ban of more than 1000 meters from registered employees home address is cancelled.

**Analysis: Actionable Requirements** The Notice imposes no obligations on companies.

**What Has Changed** According to a [Notice published by the Office of the Prime Minister of Israel and the Ministry of Health](#), the full-national lockdown, introduced on 25 September 2020, has been partially lifted as of 18 October 2020. Accordingly, all workplaces without ongoing public attendance can return to work, vital and non-vital. All workplaces are still strongly advised to work from home as much as possible, however, the latter can return to work while complying with emergency requirements, such as:  
regular body temperature screening;  
face mask wearing obligation;  
scheduling same working groups to same shifts, shuttles; and  
eating and drinking alone (one person) at permanent spaces, using own stationary.  
Furthermore, an activity radius of 1000 meters from registered employees home address introduced in September 2020 is no longer in force. Physical meetings are, according to the Notice, still limited to 10 people indoors and up to 20 employees outdoors. The general rule is 4 square meters per person. The National pandemic situation will be re-examined on 31 October 2020.

**Additional Information** A [full-national lockdown took place](#) in Israel from 25 September 2020 until 18 October 2020. During the full-lockdown, all non-vital workplaces had to physically shut down for the whole period. Vital sectors (as enlisted by the General Manager of the Ministry of Economy and Industry via [Emergency limitation 8589 of 21 March](#)) were advised to work from home as much as possible.

### 3.5.3 SOUTH AFRICA Facilities must continue to operate under the COVID-19 State of National Disaster until at least 15 November 2020

**Abstract:** As of 14 October 2020, all facilities must continue to operate under (COVID-19) alert level 1 until at least 15 November 2020. Facilities must continue to implement health and safety measures such as physical distancing and teleworking to prevent the outbreak or spread of the novel coronavirus of 2019 ("COVID-19") on their work premises. These rules continue to be applicable due to the extension of the national state of disaster (declared due to the COVID-19 outbreak) from 15 October 2020 to 15 November 2020.

**Business Impact:** The company must continue to implement additional health and safety precautions to prevent the outbreak and spread of the novel coronavirus of 2019 ("COVID-19") until, at the soonest, 15 November 2020. As examples, if the company convenes an indoor gathering it must limit physical attendees to 250 or fewer. Outdoor gatherings must be limited to 500 physical attendees or fewer. For both indoor and outdoor gatherings, attendees must remain 1.5 metres apart, and only 50% of the venue must be occupied. In addition, the company must appoint a COVID-19 compliance officer, continue to ensure physical distancing, and permit workers above the age of 60 and those with comorbidities to work from home when possible.

**Analysis:** On 14 October 2020, the Minister of Cooperative Governance issued the [Disaster Management Act, 2002: Extension of a National State of Disaster \(COVID-19\)](#) (hereinafter "the Extension"). Under the Extension, South Africa will operate under a National State of Disaster as a result of the global outbreak and spread of the novel coronavirus of 2019 ("COVID-19") until at least 15 November 2020. The Extension requires all workplaces to continue to implement additional health and safety precautions to prevent the outbreak or spread of COVID-19 on their work premises. Workplace

operations permitted during the current State of National Disaster include manufacturing, warehousing, administrative and mining facilities.

**What has changed?** There are no new specific requirements as a result of this regulatory development. Workers who can work from home must continue to do so, and workplace hygiene requirements such as physical distancing and the provision of PPE and sanitizers must be complied with. The requirements for a COVID-19 Compliance officer and a COVID-19 management plan also remain in place. In addition, the attendee threshold for in-person meetings is as follows: meetings or conferences of **250 persons** or fewer if the gathering occurs indoors; and meetings or conferences of **500 persons** or fewer if the gathering occurs outdoors. In both cases, not more than 50% of the meeting or conference venue must be occupied and persons must be positioned at least 1.5 metres apart.

**Additional information** According to South Africa's Department of Labour, COVID-19 is a viral infection of the upper respiratory system which presents with flu-like symptoms ranging from a mild fever, dry cough, runny nose and sneezing. In some cases, it deteriorates to moderate and severe symptoms like a productive cough, high fever, shortness of breath and general malaise. In its severe form, it may present with pneumonia, a serious cough and respiratory failure. COVID-19 is transmitted through droplets suspended in the air during coughing and sneezing from an infected source. Healthcare delivery and support staff such as nurses and doctors face a high risk of infection, especially if they perform aerosol-generating procedures. As such, a facility that operates a sickbay must take particular note of COVID-19-related health and safety rules. Among other workers, those operating in high-population-density work environments such as consulting rooms and points of entry for the public (for example, security guards and front desk attendants) face a comparatively medium risk, while workers who can perform their duties while maintaining a 2-meter distance from others and the general public are considered to face a lower risk. According to South Africa's [Department of Health](#), the world's first cluster of pneumonia cases now known as COVID-19 was reported on 31 December 2019. On 6 March 2020, South Africa reported its first case, and on 15 March 2020, a National Disaster was declared as a result of the disease. As of 16 October 2020, South Africa reports having conducted 4,458, 745 tests; and having identified 696,414 positive cases. According to the Department of Health, there have been 626,898 recoveries and 18,151 deaths.

### 3.5.4 SOUTH AFRICA Directions on the criteria guiding the determination of the COVID-19 alert levels issued

**Abstract:** Facilities must continue to adhere to the novel 2019 coronavirus ("COVID-19") alert levels announced periodically by the government, and determined based on criteria recently released by the Department of Health. The criteria were published in the Directions Issued In Terms Of Regulation 3(3) Of The Regulations Made Under Section 27(2) Of The Disaster Management Act, 2002 (Act No. 57 Of 2002): Criteria To Guide The Determination Of Alert Levels. The nation is currently under "Alert level 1," which the Directions classify as a low COVID-10 spread rate requiring a high health system readiness.

**Business Impact:** As a company, the Directions Issued In Terms Of Regulation 3(3) Of The Regulations Made Under Section 27(2) Of The Disaster Management Act, 2002 (Act No. 57 Of 2002): Criteria To Guide The Determination Of Alert Levels ("the Directions") provide no direct environmental health and safety requirements. However, the Directions provide a guide that will be used in determining the COVID-19 alert levels during the national state of disaster. For example: Alert Level 1' indicates a low Covid -19 spread with a high health system readiness; 'Alert Level 2' indicates a moderate Covid -19 spread with a high health system readiness; 'Alert Level 3' indicates a moderate Covid -19 spread with a moderate health system readiness; 'Alert Level 4' indicates a moderate to a high Covid -19 spread with a low to moderate health system readiness; and 'Alert Level 5' indicates a high Covid -19 spread with a low health system readiness.

**Analysis: Actionable Requirements** The Directions Issued In Terms Of Regulation 3(3) Of The Regulations Made Under Section 27(2) Of The Disaster Management Act, 2002 (Act No. 57 Of 2002): Criteria To Guide The Determination Of Alert Levels provide no direct requirements for facilities.

**Additional Information** Under the Directions Issued In Terms Of Regulation 3(3) Of The Regulations Made Under Section 27(2) Of The Disaster Management Act, 2002 (Act No. 57 Of 2002): Criteria To Guide The Determination Of Alert Levels, the following alert levels will determine the level of restrictions to be applied during the national state of disaster:

Alert Level 1' indicates a low Covid -19 spread with a high health system readiness;

'Alert Level 2' indicates a moderate Covid -19 spread with a high health system readiness;

'Alert Level 3' indicates a moderate Covid -19 spread with a moderate health system readiness;

'Alert Level 4' indicates a moderate to a high Covid -19 spread with a low to moderate health system readiness; and

'Alert Level 5' indicates a high Covid -19 spread with a low health system readiness.

Before a nationally declaring an alert level, the Ministerial Advisory Committee will advise the Minister of Health regarding which alert level should be declared nationally, provincially, in a metropolitan area, or by district. To effectively do so, the following factors will be taken into account:

the epidemiological trends of Covid -19 infections which include a consideration of the trends in the number of tests conducted, number of persons screened, number of positive cases, number of recoveries, and the demographic profile of the positive cases;

the health system capacity in a specified area to respond to the disease burden which includes for example the number of facilities available to support COVID-19; and

any other factor that would influence the level of infection, hospitalization, and mortality.

**Background** The Minister of Health under the terms of regulation 3(3) of the Regulations made under section 27(2) of the Disaster Management Act 2002 (Act No. 57 of 2002) issued the Directions Issued In Terms Of Regulation 3(3) Of The Regulations Made Under Section 27(2) Of The [Disaster Management Act, 2002 \(Act No. 57 Of 2002\)](#) regarding the criteria that will guide the determination of COVID-19 alert levels during the national state of disaster.

**Definitions** "Alert Levels" means the levels of restriction that will be applicable nationally or in a province, metropolitan area, or district, as set out in regulation 3(2) of the Regulations. "Epidemiological trends" means the analysis of the distribution and patterns of the spread of Covid -19 infections in the population. The [Directions Issued In Terms Of Regulation 3\(3\) Of The Regulations Made Under Section 27\(2\) Of The Disaster Management Act, 2002 \(Act No. 57 Of 2002\): Criteria To Guide The Determination Of Alert Levels](#) can be accessed on the Enhesa Knowledgebase.



## 4. October 28, 2020

### 4.1 The US & Canada

#### 4.1.1 US - CALIFORNIA CDPH provides definitions and clarifications on the additional COVID-19 reporting and notification requirements

**Abstract:** With the continued outbreak of the 2019 novel coronavirus disease (COVID-19), companies that operate in California should understand their requirements for reporting and notifying COVID-19 cases in the workplace. The California Department of Public Health (CDPH) issued guidance documents for California employers to clarify the requirements imposed under the recently enacted Assembly Bill 685. Accordingly, companies are advised to review the guidance and appropriately notify employees of potential exposure to COVID-19 and report to local health departments upon meeting the reporting threshold.

**Business Impact:** The California Department of Public Health's (CDPH's) guidance on Assembly Bill 685 (AB 685) has no direct impact on the company. However, if the company is conducting in-person operations during the COVID-19 emergency, it should review the CDPH guidance on AB 685 and be aware of its obligations to notify employees who may have been exposed to COVID-19. Further, the company should continue to follow CDPH's COVID-19 employer guidance and notify local health departments when it meets the reporting threshold of 3 or more cases of COVID-19 in the workplace within 2 weeks. Failure to comply with any COVID-19 related requirements may lead to potential enforcement actions, as well as severe consequences on the safety and health of employees and the public.

**Analysis:** On 16 October 2020, the California Department of Public Health (CDPH) published Employer Guidance on Assembly Bill 685 (AB 685) to assist employers in complying with a new California law that established COVID-19 notification and reporting requirements. Specifically, CDPH provided definitions to be used in relation to AB 685 and additional clarifications on employers' obligations under AB 685. Accordingly, companies should review the guidance and take necessary procedures for responding to the COVID-19 cases in the workplace.

**Assembly Bill 685** On 17 September 2020, California Governor Gavin Newsom signed AB 685 into law, establishing COVID-19 reporting and notification requirements. Specifically, upon identifying a COVID-19 case in the workplace, employers must notify employees and the employer of subcontracted workers that they may have been exposed to COVID-19. Further, employers must report COVID-19 outbreaks to the local health department.

**Definition of "Infectious Period"** Under AB 685 Section 4 (Labor Code (LAB) Section 6409.6(a)(1)), employers must provide notice to all employees who were present at the same worksite as someone with COVID-19 during their infectious period. CDPH defines the term "infectious period" based on whether an individual develops symptoms or not. For an individual who develops symptoms, the infectious period for COVID-19 begins 2 days before developing symptoms. The infectious period ends when the following criteria are met:

- 10 days have passed since symptoms first appeared;
- at least 24 hours have passed with no fever (without the use of fever-reducing medications); and
- other symptoms have improved.

For an individual who tests positive but never develops symptoms, the infectious period for COVID-19 begins 2 days before the specimen for their first positive COVID-19 test was collected. The infectious period ends 10 days after the specimen for their first positive COVID-19 test was collected.



**Definition of “COVID-19 Outbreak”** Under AB 685 Section 4 (LAB Section 6409.6(a)(4)(b)), if an employer or their representative is notified of the number of cases meeting the definition of a COVID-19 outbreak, they must inform the local public health agency in the jurisdiction where the worksite is located. CDPH defines “COVID-19 outbreak” as at least 3 COVID-19 cases among workers at the same worksite within a 14-day period.

**AB 685 Compared to CDPH’s COVID-19 Employer Guidance** In its guidance, CDPH reminds that it currently requires employers to notify local health departments if there are 3 or more cases of COVID-19 in the workplace within a 2-week period. This requirement is enforced under CDPH’s [Responding to COVID-19 in the Workplace](#) guidance that employers must follow for a safe reopening of the workplace. Accordingly, the reporting requirement under AB 685 is currently in effect, and employers must report any such COVID-19 outbreaks to the appropriate local health departments. The additional requirements under AB 685, however, go into effect on 1 January 2021.

**Additional Information** For more information, see the [Employer Guidance on AB 685: Definitions](#) and the [Employer Questions about AB 685, California’s New COVID-19 Law](#). Additional information, including the text of AB 685, is available on the [California Legislative Information](#) website.

#### **4.1.2 US – CALIFORNIA** Companies must review applicable counties’ tier assignments to evaluate whether any COVID-19 business restrictions apply under the state’s Blueprint for a Safer Economy

**Abstract:** Companies that are not otherwise considered critical infrastructure in California must check with appropriate counties to see whether they are permitted to conduct in-person operations or are required to close or limit the indoor capacity. Under California’s Blueprint for a Safer Economy, business restrictions and permitted activities depend on the county’s tier assignment. For example, retail establishments in Tier 1 counties must operate at 25 percent capacity, where such establishments in Tier 3 or 4 counties are not subject to the indoor capacity limit.

**Business Impact:** If the company is not among the essential critical infrastructure sectors, it must determine whether it is subject to any business restrictions based on the county’s tier assignments. For example, if the company owns or operates a food service establishment in a Tier 1 county, it must only provide food or beverages for off-premises consumption until the county advances to the less restrictive tier. Similarly, if the company owns or operates a gym or fitness center in its building in a Tier 1 county, it must cease the indoor operation until the county advances to the less restrictive tier.

**Analysis:** On 28 August 2020, California Governor Gavin Newsom announced the Blueprint for a Safer Economy (the Blueprint) to continue protecting the state from the impact of the 2019 novel coronavirus disease (COVID-19). Specifically, the Blueprint imposes risk-based restrictions on industries by assigning counties with a tier based on its test positivity and adjusted case rate. Accordingly, companies must review the current tier assignments and check with the appropriate counties to determine whether they need to comply with any business restrictions.

**Blueprint for a Safer Economy** The Blueprint is a statewide plan for reducing COVID-19 in California by adjusting permitted industry activities based on a tiered framework. The tiered framework lays out the measures that each county must meet, based on indicators that capture disease burden, testing, and health equity. Each county is assigned to one of 4 colored tiers, Purple (Widespread), Red (Substantial), Orange (Moderate), and Yellow (Minimal), based on how prevalent COVID-19 is in each county and the extent of community spread. *Tier 1 - Purple (Widespread)* If a county is assigned to Tier 1, many non-essential businesses must close indoor operations. For example, all retail establishments, excluding critical infrastructure, must operate at the maximum 25 percent of the indoor capacity. Offices that are not otherwise considered critical infrastructure must require employees to work remotely. Lastly, companies that own or operate gyms, fitness

centers, or food service establishments must close all indoor operations and open for outdoor only. As of 20 October 2020, Imperial, San Bernardino, Riverside, and Los Angeles Counties were among those assigned to Tier 1. *Tier 2 - Red (Substantial)* If a county is assigned to Tier 2, some non-essential businesses must close indoor operations. For example, all retail establishments, excluding critical infrastructure, must operate at 50 percent of the indoor capacity. Offices that are not otherwise considered critical infrastructure must require employees to work remotely. Companies that own or operate gyms or fitness centers must operate at 10 percent of the indoor capacity. Lastly, companies that own or operate food service establishments must operate at 25 percent of the indoor capacity or up to 100 people, whichever is fewer. As of 20 October 2020, Ventura, San Luis Obispo, San Joaquin, and Kern Counties were among those assigned to Tier 2. *Tier 3 - Orange (Moderate)* If a county is assigned to Tier 3, some non-essential businesses are permitted indoor operations with modifications. For example, all retail establishments, excluding critical infrastructure, are no longer subject to indoor capacity limits. Offices that are not otherwise considered critical infrastructure are also permitted to allow employees to report to the workplace. Companies that own or operate gyms or fitness centers must operate at 25 percent of the indoor capacity. Lastly, companies that own or operate food service establishments must operate at 50 percent of the indoor capacity or up to 200 people, whichever is fewer. As of 20 October 2020, Alameda, Santa Clara, Lassen, and Butte Counties were among those assigned to Tier 3. *Tier 4 - Yellow (Minimal)* If a county is assigned to Tier 4, most non-essential businesses are permitted indoor operations with modifications. For example, as with Tier 3, retail establishments and offices, excluding critical infrastructure, are allowed to conduct indoor operations. Further, companies that own or operate gyms, fitness centers, or food service establishments must operate at 50 percent of the indoor capacity. As of 20 October 2020, Mariposa, Alpine, Trinity, and Plumas Counties were among those assigned to Tier 4.

**More Information** For more information on the Blueprint, see [CDPH's guidance](#). Additional information, including the current tier assignments, is available on the [California Coronavirus \(COVID-19\) Response](#) website.

#### 4.1.3 US - MARYLAND Companies operating during the COVID-19 state of emergency must continue to comply with COVID-19 restrictions which have been extended through 5 November 2020

**Abstract:** Effective 6 October 2020, facilities operating in Maryland during the COVID-19 state of emergency must continue to comply with existing reopening requirements that are extended for another month to 5 November 2020. The requirements applicable to companies have been reissued without substantive changes, including the requirement that certain facilities make copies of the latest Executive Order be made available to on-site employees, customers, or other members of the public.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it must continue to comply with general and industry-specific directives and local orders regarding operational, occupancy, and sanitation requirements for the duration of the state of emergency, which has been extended through 5 November 2020. Previously, the state of emergency and corresponding requirements were set to expire on 21 October 2020.

##### **Analysis: Actionable Requirements**

If the facility operates during the COVID-19 state of emergency, it complies with all applicable local orders and state-wide general and industry-specific operating directives.

If the facility is a retail establishment operating during the COVID-19 state of emergency, it operates at no more than 75 percent of its maximum occupancy.

If the facility is a retail establishment operating during the COVID-19 state of emergency, it implements social distancing measures, such as sanitizing or providing customers with the means to sanitize handles of carts or baskets available to customers, to the extent possible.

If the facility operates a food service establishment during the COVID-19 state of emergency, it operates at no more than 75 percent of its maximum occupancy.

If the facility operates a food service establishment during the COVID-19 state of emergency, it does not serve food in a buffet format.

If the facility operates a food service establishment during the COVID-19 state of emergency, it only serves customers who are seated.

If the facility operates a food service establishment during the COVID-19 state of emergency, it cleans and disinfects each table between each seating in accordance with the U.S. Centers for Disease Control and Prevention (CDC) and Maryland Department of Health (DPH) guidelines.

If the facility operates a fitness center during the COVID-19 state of emergency, it operates at no more than 50 percent of its maximum occupancy.

If the facility has a maximum permissible occupancy larger than 10 people and operates during the COVID-19 state of emergency, it complies with the applicable handwashing and notice requirements.

**What Has Changed** On 6 October 2020, Governor Hogan issued an emergency proclamation renewing the state of emergency in response to the ongoing COVID-19 pandemic through 5 November 2020. While the proclamation itself does not contain an expiration date for the state of emergency and corresponding operational requirements, any declaration of a state of emergency for a catastrophic health emergency is limited by statute to last for only 30 days unless renewed by the Governor. Previously, the state of emergency and related requirements were set to expire on 21 October 2020.

**Analysis** The renewal of the state of emergency extends the duration of the operational requirements without substantive changes. As a result, facilities with a maximum permissible occupancy larger than 10 people and required to comply with signage and notice requirements for all employees and members of the public on-site must continue to make available copies of Executive Order 20-09-18-01 upon request. A copy of this earlier executive order is available [here](#).

**More Information** For more information, see the [6 October 2020 Proclamation](#) issued by Governor Hogan.

## 4.2 Europe

### 4.2.1 CROATIA Companies organizing gatherings of more than 50 persons to request consent from the relevant county civil protection headquarters

**Abstract:** As of 13 October 2020, companies that intend on organizing indoor or outdoor gatherings to which more than 50 persons have been invited or are expected to attend must, no later than 5 days before the planned gathering, request consent for holding the gathering from the competent county civil protection headquarters. Moreover, companies must also ensure that employees that work in offices where a physical distance of at least 2 meters cannot be ensured wear protective face masks. These developments were introduced by the Decision to restrict social gatherings OJ 111/2020 and the Decision on the necessary measure of mandatory use of face masks or medical masks OJ 111/2020, respectively.

**Business Impact:** Companies that intend on organizing indoor or outdoor gatherings to which more than 50 persons have been invited or are expected to attend must, as of 13 October 2020, request consent for holding the gathering from the competent county civil protection headquarters no later than 5 days before the planned gathering. Furthermore, as of 13 October 2020, companies organizing gatherings that are expecting the arrival of more than 50 participants must notify the

competent county civil protection headquarters by e-mail to the county 112 centre no later than 48 hours before the planned start of the gathering and must follow all general anti-epidemic measures and special recommendations of the Croatian Institute of Public Health. Lastly, as of 13 October 2020, companies must also ensure that employees that work in offices where a physical distance of at least 2 meters cannot be ensured wear protective face masks.

#### **Analysis: Actionable requirements:**

If the company intends to organize an indoor or outdoor gathering to which more than 50 persons have been invited or are expected to attend, it has, no later than 5 days before the planned gathering, requested consent for holding the gathering from the competent county civil protection headquarters.

If the company intends to organize an indoor or outdoor gathering to which more than 50 persons have been invited or are expected to attend, it notifies the competent county civil protection headquarters no later than 48 hours before the planned start of the gathering and follows all general anti-epidemic measures and special recommendations of the Croatian Institute of Public Health.

If a safety distance of at least 2 metres between employees cannot be provided on the company premises, the company ensures its employees wear a protective face mask.

**What has changed** Previously, organizers of gatherings of more than 50 persons were not required to obtain consent therefor from the competent county civil protection headquarters. With the entry into force of the [Decision to restrict social gatherings OJ 111/2020](#), as of 13 October 2020, organizers of gatherings to which more than 50 persons have been invited or are expected to attend, must, no later than 5 days before the planned gathering, request consent for holding the gathering from the competent county civil protection headquarters. Moreover, previously, employees in offices were not required to wear protective face masks. With the entry into force of the [Decision on the necessary measure of mandatory use of face masks or medical masks OJ 111/2020](#), as of 13 October 2020, companies must ensure their employees wear a protective facemask if they work in offices where a physical distance of at least 2 meters cannot be ensured. Lastly, while special epidemiological measures were previously only prescribed for gatherings of more than 100 persons, in accordance with the [Decision on necessary measures for the organization of gatherings attended by more than one hundred participants during the declared epidemic of the disease COVID-19 OJ 80/2020](#), as of 13 October 2020, these measures are now applicable to gatherings attended by more than 50 participants, as provided by the [Decision on amendments OJ 111/2020](#) and [Decision on amendments 113/2020](#).

**Gatherings of more than 50 persons** Pursuant to the [Decision to restrict social gatherings OJ 111/2020](#), organizers of social gatherings must no later than 5 days before the planned gathering, by e-mail to the county 112 centre, request consent for holding the gathering from the competent county civil protection headquarters. The aforementioned headquarters are required to respond to the submitted request within 48 hours of receipt. Social gatherings for which the requested consent is refused or social gatherings for which consent was not requested may not be held. Furthermore, according to the amended [Decision on necessary measures for the organization of gatherings attended by more than fifty participants during the declared epidemic of the disease COVID-19 OJ 80/2020](#), the organizer of gatherings that are expecting the arrival of more than 50 participants must notify the competent county civil protection headquarters by e-mail to the county 112 centre no later than 48 hours before the planned start of the gathering and follows all general anti-epidemic measures and special recommendations of the Croatian Institute of Public Health. The aforementioned notification must contain the: - purpose, place, day and time of the meeting, - contact person details, and - expected number of participants. Moreover, organizers of gatherings are required to keep written records of the participants in accordance with the instructions and recommendations of the Croatian Institute of Public Health for at least 14 days. The list of e-mail addresses of 112 county centres is in Annex 1 of the [Decision on necessary measures for the organization of gatherings attended by more than fifty participants during the declared epidemic of the disease COVID-19](#), as amended.

**Use of protective facemasks at the workplace** Pursuant to the [Decision on the necessary measure of mandatory use of face masks or medical masks OJ 111/2020](#), companies must ensure their employees wear a protective facemask if they work in offices where a physical distance of at least 2 meters cannot be ensured,

work in service industries in which they come into close contact with clients, and work in trade and come into contact with customers.

Face masks or medical masks do not have to be used in cases of recommended exemptions published on its website by the Croatian Institute of Public Health. Employers and organizers of social, public and other gatherings are obliged to control the use of face masks or medical masks.

#### 4.2.2 GERMANY – BRANDENBURG Mouth-to-nose protection in offices mandatory in all municipalities with more than 35 new SARS-CoV-2 virus infections per 100,000 within 7 days

**Abstract:** Since 11 October 2020, all employees and visitors in office buildings in municipalities with a SARS-CoV-2 virus infection rate of 35 new infections per 100.000 inhabitants within 7 days are obliged to wear mouth-to-nose protection inside the building unless they stay in a fixed place and a minimum distance of 1.5 meters away from other persons according to the latest Amendment of the Bbg Ordinance on the handling of the SARS-CoV-2 virus and COVID-19 (Bbg SARS-CoV-2-UmgV). Additionally, the Amendment adds a reference to the obligation to comply with federal occupational health requirements, such as the correct ventilation indoors.

**Business Impact:** If the company operates offices it should be aware that wearing mouth-to-nose protection in offices is mandatory in all municipalities with an infection rate of more than 35 new infections per 100.000 inhabitants within 7 days. The company should also comply with the requirements of the SARS-CoV-2 Occupational Health and Safety Rule, in particular with the requirement to guarantee the correct ventilation indoors.

**Analysis: Actionable Requirements:** (Existing) The company complies with the Federal SARS-CoV-2 Occupational Safety and Health Standard during the COVID-19 pandemic.

**What has changed?** As of 11 October, 2020 companies have to comply with the [Fourth Ordinance to amend the Ordinance on the handling of the SARS-CoV-2 virus and COVID-19 in Brandenburg](#) introducing the following important changes for companies:

As soon as there are more than 35 new infections cumulative in a municipality within the last seven days per 100 000 inhabitants according to the publication of the State Office for Occupational Safety, Consumer Protection and Health (<https://kkm.brandenburg.de/kkm/de/corona/fallzahlen-land-brandenburg/>), all persons in this municipality have to wear mouth-and-nose protection in office and administrative buildings for at least ten days from the date of notification unless they stay in a fixed place and the minimum distance of 1.5 meters can be safely met;

Employers have to ensure compliance with the necessary distance and hygiene rules according to the [Federal SARS-CoV-2 Occupational Safety and Health Rule](#) and in particular the regular exchange of indoor air with fresh air, in particular with forced ventilation via windows or the operation of ventilation systems with a high proportion of outdoors air. In the case of recirculation operation of air conditioning systems that cannot be avoided for technical reasons, they should be equipped with suitable filtration for the separation of airborne viruses; and

The maximum number of participants in events will be limited depending on the number of new infections per 100.000 inhabitants within 7 days in a municipality.

**Background information:** In Brandenburg, the most important legislation concerning the measures during the Covid-19 pandemic is the [Bbg Ordinance on the handling of the SARS-CoV-2 virus and COVID-19 \(Bbg SARS-CoV-2-UmgV\)](#). It regulates restrictions of entrance in public places, canteens with public access, shops and retail establishments, gatherings, events, and cultural institutions. The Fourth Ordinance to amend the Bbg SARS-CoV-2-UmgV only implements changes to the obligation to wear mouth-to-nose protection in offices, events, and ventilation indoors. All other

requirements of the Ordinance remain applicable for companies, such as contact restrictions and the obligation of 1.5 meters distance between all persons.

#### 4.2.3 POLAND Companies to comply with harsher national and regional restrictions adopted in order to combat the spread of COVID-19

**Abstract:** As of 17 October 2020, facilities must comply with harsher restrictions adopted in order to combat the spread of the coronavirus (COVID-19). More specifically, all gyms at facilities located in a red zone must close down. In addition, facility canteens can be opened only from 6 am until 9 pm and workers that drive in the same car are required to cover their mouths and noses with a face mask.

**Business Impact:** If the facility has workers present onsite, it must be aware that it is subject to additional requirements adopted in order to curb the spread of COVID-19. For example, if the company operates a canteen, it must ensure the canteen is open only from 6 am to 9 pm. In addition, the company must ensure that workers that drive in the same car cover their mouths and noses, for instance with a face mask. Lastly, if the facility is located in a red zone and operates a gym, it must ensure the gym remains closed until further notice. The company should be aware that failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

**Analysis: Actionable requirements** If the facility is in the red zone and has a gym onsite, it ensures it is closed until further notice (COVID-19). (new requirement) The facility ensures workers which drive in the same car, cover their mouths and noses, for instance with a face mask. (new requirement) If the facility has a canteen onsite, it ensures it complies with the working hours (COVID-19). (new requirement)

**What has changed** The Ordinance of the Council of Ministers of 16 October 2020 on setting limitations, prohibitions and requirements related to the outbreak of the epidemic sustains the previously established requirements, for instance, facilities must provide sanitizing gel or disposable gloves to the employees, and introduces 3 new requirements. More specifically, in accordance with the Ordinance, facilities located in the red zone must close their gyms until further notice. Further, all facilities must ensure that workers which drive in the same car, cover their mouths and noses with a face mask, and facilities that have a canteen onsite, ensure it complies with the working hours.

**Additional information** The Ordinance of 16 October 2020 divides the territory of Poland into 2 categories: red and yellow zones. Each region is assigned to a specific category, basing on the number of confirmed COVID-19 cases. The Ordinance qualifies over 150 regions in the red zone category. A detailed list of the red zones is available in [Schedule 1](#) to the Ordinance or on the [website of the Government of Poland](#). The whole territory of Poland, except the regions classified in the red zone category, has been assigned to the yellow zone category. *Other* Facilities that operate a canteen, must ensure the canteen is open only from 6 am to 9 pm. The requirement on for workers driving in the same car to cover their mouths and noses with a face mask does not apply to drivers on the same driving crew. The Ordinance does not provide with a definition of a driving crew. *Fines* Under the Act of 5 December 2008 on preventing and combating infections and infectious diseases, facilities that fail to follow obligations stated in the Ordinance of 9 October 2020, are subject to a fine of PLN 5 000 to 30 000 (approximately EUR 1 100- EUR 6 800).



#### 4.2.4 PORTUGAL Companies not complying with requirements to prevent the spread of COVID-19 can be subject to increased fines

**Abstract:** Since 16 October 2020, companies with areas open to the public need to continue to comply with the rules of occupation, permanence, physical distancing and use of face masks or face shields. If the company does not comply with these requirements, it can be subject to a fine between EUR 1 000 and EUR 10 000.

**Business Impact:** If the company has areas open to the public and fails to comply with the rules of occupation, permanence, physical distancing and use of face masks or face shields that apply to these areas, it can now be subject to a fine between EUR 1 000 and EUR 10 000.

**Analysis: Actionable requirements** There are no new requirements for companies.

**What has changed?** Companies must continue to observe the rules of occupation, permanence and physical distancing in places that are open to the public. Companies must also continue to ensure that people use a face mask or a face shield to access and stay in commercial spaces and establishments and public buildings or buildings of public use. Failure to comply with these rules is punishable by a fine, which value is now increased from between EUR 1 000 and EUR 10 000 (before, it was between EUR 1 000 and EUR 5 000).

**Additional information** [Decree Law 87-A/2020 of 15 October](#) amends [Decree Law 28-B/2020 of 26 June](#) to change the exceptional and temporary measures regarding the COVID-19 pandemic. It applies since 16 October 2020.

#### 4.2.5 SPAIN NATIONAL State of alarm and nationwide curfew adopted to tackle second wave of COVID-19

**Abstract:** As of 25 October 2020, companies can consult Royal Decree 926/2020 declaring the state of alarm and ordering an overnight curfew throughout the country to contain the spread of infections caused by SARS-CoV-2. Companies should note that, even if the measures adopted do not affect their operations directly, they may serve as a basis for future restrictions adopted at regional level.

**Business Impact:** Although not directly impacted, the company should be aware that the Spanish Government has declared a new state of alarm from 25 October to 9 November 2020 (but likely to remain in place for 6 months, until 9 May 2021) to address the health crisis caused by the coronavirus disease (COVID-19). The state of alarm implies, among others, the establishment of:

a nationwide curfew from 11 PM to 6 AM (except for commuting to work or returning home from work); and limits to public and private gatherings to a maximum of 6 people (except for workplace meetings).

In addition, the company should note that the state of alarm allows regional governments to adopt further restrictions in their territories (such as total or partial lockdowns, closure of internal borders to limit travels between provinces or regions, and stricter limits to public or private gatherings) for a minimum of 7 calendar days. As a result, the company can expect further restrictions to be adopted in the future in certain Autonomous Communities if the epidemiological situation continues to worsen.

**Analysis: Actionable requirements** There are no actionable requirements directly applicable to companies.

**What has changed?** On 25 October 2020, the Spanish Government issued [Royal Decree 926/2020](#) declaring a nationwide state of alarm in order to contain the second wave of infections caused by the severe acute respiratory syndrome



coronavirus 2(SARS-CoV-2) in the country. Although the state of alarm has been approved for an initial period of 2 weeks (that is, until 9 November 2020), the Spanish executive will seek parliamentary approval for a six-month extension (until 9 May 2021) in the upcoming weeks. The restrictive measures adopted by Royal Decree 926/2020 can be summarised as follows:

**Nationwide night curfew established** Among other things, the Royal Decree sets out a curfew from 11 PM to 6 AM over the entire country, which can be extended or reduced by regional governments by 1 hour according to the evolution of health indicators in each Autonomous Community. As an example, the curfew will run from 10 PM in Catalonia and Castile and León but will start at midnight in the Autonomous Communities of Madrid and Valencia. The adopted Royal Decree provides for certain exceptions to the curfew, such as commuting to work and returning home after work, buying medicine and first need goods, and seeking medical treatment in health care facilities.

**Public and private gathering limited** During the state of alarm period, gatherings in public or private spaces are limited to a maximum of 6 people from separate households. However, this restriction does not apply to workplace meetings.

**Regional governments allowed to impose further restrictions** In addition, the state of alarm grants extraordinary powers to Autonomous Communities, which are allowed to establish additional restrictions in their territories (such as total or partial lockdowns, closure of internal borders to limit travels between provinces or regions, and stricter limits to public or private gatherings) for a minimum of 7 calendar days depending on their epidemiological situation. [Royal Decree 926/2020, of 25 October, declaring the state of alarm to contain the spread of infections caused by SARS-CoV-2](#) is available online in Spanish.

## 4.3 Latin America

### 4.3.1 BRAZIL - RIO DE JANEIRO Retail and services companies with facilities open to the public must comply with further measures to contain the spread of COVID-19

**Abstract:** Since 2 October 2020, companies who have facilities open to the public and are authorized to stay open in the State of Rio de Janeiro during the COVID-19 pandemic, need to comply with further measures to contain this pandemic, such as continuing to provide face masks to its workers or measure the body temperature of clients with a digital thermometer. Companies must also continue to enforce that all persons onsite use a face mask.

**Business Impact:** If the company, as an office, is authorized to stay open in the State of Rio de Janeiro during the COVID-19 pandemic and is open to the public, it needs to further comply with measures to contain the pandemic, such as have a digital thermometer to measure the body temperature of clients, provide face masks to its workers and make hand sanitizer available for both workers and clients. If the company fails to comply with these requirements, it can suffer penalties, that can go up to a closure of the establishment (*interdição do estabelecimento*) and a daily fine of Fiscal Reference Units of the State of Rio de Janeiro (Unidades Fiscais de Referência do Estado do Rio de Janeiro - UFIR-RJ) 1 000. As of 22 October 2020, 1 UFIR-RJ is equivalent to BRL 3.5550 (USD 0.64).

#### Analysis: Actionable requirements

(New) If the company has a retail or services facility open to the public, it uses digital thermometers to measure the body

temperature of the clients.

(New) If the company has a retail or services facility open to the public, it ensures that people with a body temperature above 37.5°C or without a face mask cannot be onsite.

(New) If the company has a retail or services facility open to the public, it hangs posters with information on the mandatory use of face masks and hand sanitation and a reference to Law 9034/2020 in visible places.

(Existing) If the company has a retail or services facility open to the public, it provides face masks to its workers and makes hand sanitizer available to both workers and clients.

**What has changed?** The actionable requirements mentioned above are both new and existing ones. Companies who have retail or services facilities authorized to stay open during the COVID-19 pandemic, such as banks, must now have a digital thermometer to measure the temperature of all clients onsite. They must also ensure that all persons wear a face mask and are not there if they show symptoms of COVID-19 - namely, a body temperature of above 37.5°C. In these cases, workers will no longer be able to work and clients will not be able to enter the premises of the company, and both will be advised to seek medical evaluation.

**Additional information** [Law 9034 of 1 October 2020](#) determines the obligation for operators or facilities providing essential services and open during the COVID-19 pandemic to measure body temperature and to make hand sanitizer and face masks available. It entered into force on 2 October 2020. In shopping malls, galleries and similar facilities, the temperature check can be done only once at the entry. According to Law 9034/20, if a company does not comply with this Law, the penalties are the following:

warning (*advertência*), being notified to suppress the irregularity in 24 hours;

temporary suspension (*suspensão temporária*);

closure of the establishment (*interdição do estabelecimento*);

daily fine of Fiscal Reference Units of the State of Rio de Janeiro (*Unidades Fiscais de Referência do Estado do Rio de Janeiro - UFIR-RJ*) 1 000. 1 UFIR-RJ is equivalent in 2020 to BRL 3.5550 (USD 0.64as of 22 October 2020).

#### 4.3.2 BRAZIL - SÃO PAULO Non-essential services and facilities to comply with further restrictions in phases 1 and 2 of the São Paulo Plan, and with extended operating hours in phases 3 and 4

**Abstract:** Since 9 October 2020, operators of non-essential services and facilities located in the State of São Paulo open to the public, such as retail shops, are required to comply with stricter conditions to contain the further spread of COVID-19, that can include reduced operating hours. However, in geographical areas classified as being in phases 3 or 4, the operating hours can be extended to 10 daily hours or 12 daily hours, respectively.

**Business Impact:** If the company has non-essential facilities open to the public in the State of São Paulo, it is required to comply with further measures to contain the spread of COVID-19, such as ensuring that every person onsite wear a face mask. If, however, it is located in geographical areas classified as being in phases 3 or 4, it can extend its operating hours to 10 daily hours or 12 daily hours, respectively.

**Analysis: Actionable requirements** There are no new direct requirements for companies.

**What has changed?** [Decree 65.234 of 8 October 2020](#) revokes [Decree 65.141 of 19 August 2020](#) and [65.163 of 2 September 2020](#). It amends Annexes II and III of [Decree 64.994 of 28 May 2020](#), that creates the São Paulo Plan (*Plano São Paulo*), that has as a goal to implement and evaluate the measures to apply to combat the COVID-19 pandemic. Companies must continue to comply with the measures previously established, such as ensuring that every person onsite

wear a face mask. Decree 65.234/20 further details the conditions for several activities - such as services (for example, banks) and conventions (the latter were prohibited before) - to occur with presential services/attendance. For example, regarding services, in phase 2 (orange) (*fase 2 - laranja*), they can only have 20% of their capacity and be open for 4 hours straight during working days, or 6 hours straight in 4 working days, suspending activities in the other 3 days.

**Additional information** According to Decree 65.234/20, activities located in the geographical areas classified as being in phase 3 (yellow) (*fase 3 - amarela*) are recommended to have a presential service period extended up to 10 daily hours (before it was 6 hours), and activities located in areas in phase 4 (green) (*fase 4 - verde*), the limit should be extended to 12 daily hours. Decree 65.234/20 also changes the description of the criteria that are now used to classify the areas in one of the four phases, adding that the number of hospitalizations and deaths to be taken into account need to have happened in the last 14 days. The criteria are still the same: the capacity of the health system and the evolution of the COVID-19 pandemic.

#### 4.3.3 PANAMA Companies resuming activities during COVID-19 outbreak must obtain a Post COVID-19 Sanitary Biosafety Certificate

**Abstract:** As of 14 October 2020, companies resuming activities during COVID-19 pandemic must obtain a Post COVID-19 Biosafety Sanitary Certificate (*Certificado de Bioseguridad Sanitaria Post COVID-19*) from the Ministry of Health (*Ministerio de Salud*). This follows from Resolution 3100/2020, which requires companies resuming activities to obtain the mentioned certificate, and approves a verification list to be used by the sanitary authority when checking compliance.

**Business Impact:** If the company has resumed activities during COVID-19 pandemic, it must obtain from the Ministry of Health the Post COVID-19 Sanitary Biosafety Certificate. In order to obtain the certificate, the company must be compliant with the sanitary protocol approved by Resolution 405/2020 on May 2020. The sanitary authority will carry out an inspection verifying compliance with, among others, physical distance, use of facemasks and regular disinfection of surfaces.

**Analysis: Actionable requirements** If the company has resumed activities during COVID-19 pandemic, it has obtained the Post COVID-19 Sanitary Biosafety Certificate (*Certificado de Bioseguridad Sanitaria Post COVID-19*) from the Ministry of Health.

**What has changed?** The requirement mentioned above is new. However, for obtaining the certificate, companies must comply with the sanitary protocol approved by [Resolution 405/2020 of May 2020](#). The Sanitary Biosafety Certificate requirement has been introduced by Resolution 3100/2020, issued by the Ministry of Health, on 14 October 2020. In addition, the Resolution includes in its Annex I a model of the Sanitary Biosafety Certificate, a verification list to be used by sanitary authority for approving the request in its Annex II, and the flow chart for obtaining it in its Annex III.

**Additional information** For obtaining the Sanitary Biosafety Certificate, companies must be fully compliant with the sanitary protocol issued by Resolution 405/2020. In addition, Annex II of Resolution 3100/2020 approves a verification list that will be used by the sanitary authority for verifying companies' compliance with the protocols. Among others, the verification list focuses on:

- the creation of a H&S Committee for COVID-19;
- training provided to employees on COVID-19 prevention;
- compliance with the use of facemasks;
- compliance with physical distance measures;
- disinfection of surfaces of common use; and
- correct disposal of disposable personal protective equipment.

For obtaining the Sanitary Biosafety Certificate, companies must start the request on the online platform [Panama Digital](#).  
[Resolution 3100/2020, creating the Post COVID-19 Sanitary Biosafety Certificate](#) is available online in Spanish.

## 5. October 31, 2020

### 5.1 The US & Canada

#### 5.1.1 US - MICHIGAN Companies are no longer required to suspend non-essential in-person visits

**Abstract:** Effective 25 September 2020, manufacturing facilities, offices, and research laboratories in Michigan are no longer required to suspend non-essential in-person visits. Also, companies must continue to comply with workplace safety requirements updated and reaffirmed in Executive Order 2020-184.

**Business Impact:** The company is no longer required to suspend non-essential in-person visits under Executive Order 2020-184, which amended and reaffirmed COVID-19 workplace safety standards. Also, the company must continue to comply with COVID-19 workplace safety standards, such as developing a COVID-19 preparedness and response plan, designating one or more supervisors to implement, monitor, and report on COVID-19 Plan, conducting COVID-19 training to employees, making cleaning supplies available, and providing face coverings.

**Analysis: Actionable requirements** If the facility conducts in-person operations, it complies with workplace safety standards reaffirmed in Executive Order 2020-184.

**What has changed?** On 25 September 2020, Michigan Governor Gretchen Whitmer reaffirmed and amended the COVID-19 workplace safety standards through Executive Order 2020-184. Executive Order 2020-184 does not impose any new requirements on businesses and operations. However, Executive Order 2020-184 removed the requirement that prohibited manufacturing facilities, office-setting businesses, and research laboratories from accepting non-essential in-person visits.

**Additional Information** All businesses or operations that are conducting in-person operations must continue to comply with workplace safety standards. For example, all business and operations must:

- Develop a COVID-19 preparedness and response plan (COVID-19 Plan) within 2 weeks of resuming in-person activities and make a plan readily available to employees and customers via website, internal network, or by hard copy;
- Designate one or more supervisors to implement, monitor, and report on COVID-19 Plan;
- Conduct COVID-19 training for employees about, at a minimum, workplace infection-control practices, the proper use of personal protective equipment, procedures on notifying symptoms of COVID-19 or a suspected or confirmed cases, and ways to report unsafe working conditions and maintain training records;
- Conduct a daily entry self-screening protocol for who enters the workplace and maintain records of entry;
- Ensure social distancing on the worksite so that everyone is at least 6 feet from one another by, for example, employing ground markings, signs, or physical barriers.
- Provide face coverings (non-medical grade) to their employees;
- Require face coverings to be worn when employees cannot consistently maintain 6 feet distance and consider face shields when employees cannot consistently maintain 3 feet of separation from other individuals in the workplace;
- Implement increased cleaning and disinfecting measures, especially on high-touch surfaces and shared equipment or products;
- Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace;

Make cleaning supplies available to employees upon entry and at the worksite;  
 Notify, within 24 hours, the local public health department and any workers who may have been close contact with the person when an employee is identified to have COVID-19 and maintain related records;  
 Must not discharge, discipline, or otherwise retaliate against employees who stay home or who leave work when they are at particular risk of infecting others with COVID-19;  
 Establish a response plan for dealing with confirmed infection in the workplace, including protocols for sending employees home and for temporary closures of all or part of the worksite to allow for deep cleaning;  
 Restrict business-related travel;  
 Encourage employees to use personal protective equipment and hand sanitizer on public transportation;  
 Promote remote work to the fullest extent possible; and  
 Adopt any additional infection-control measures that are reasonable in light of the work performed at the worksite and the rate of infection in the surrounding community.

Workplace safety standards for manufacturing facilities include: creating dedicated entry points at every facility for daily screening and ensuring physical barriers are in place to prevent bypass; suspending all non-essential visits; training employees on routes by which the virus is transmitted, distance that the virus can travel in the air, and the use of personal protective equipment; and requiring employees to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.

Workplace safety standards for offices include: assigning dedicated entry points for employees; requiring face covers in shared spaces; posting signs about personal hygiene measures; and suspending all nonessential visitors.

**More Information** Executive Order 2020-184 is available [here](#).

### 5.1.2 US - NEW JERSEY Governor extends the COVID-19 state of emergency to 23 November 2020

**Abstract:** Effective 24 October 2020, the Governor of New Jersey issued an executive order that extended the COVID-19 state of emergency to 23 November 2020. Companies must continue to comply with all COVID-19 operational requirements until 23 November 2020. This date may be extended or cut short by another executive order.

**Business Impact:** The company must continue to comply with all applicable COVID-19 restrictions until 23 November 2020. This date may be extended or cut short by another executive order.

**Analysis: Actionable Requirements** If the facility operates during the COVID-19 state of emergency, it permits employees to work from home whenever possible.

If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with the minimum cleaning requirements in Executive Order 122.

If the facility owns or operates dining facilities, it complies with all applicable COVID-19 prevention requirements, including complying with physical distancing, sanitation, and facial covering requirements.

If the facility owns or operates retail facilities, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

If the facility owns or operates fitness facilities during the COVID-19 state of emergency, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

**What has changed?** The requirements for operating during the COVID-19 state of emergency are now set to expire on 23 November 2020. Before this order, the state's operational requirements were set to expire on 25 October 2020. The COVID-19 requirements may be extended or cut short by another executive order.

**Additional Information** For more information, see [Executive Order 191 - Extending Public Health Emergency in New Jersey](#).

### 5.1.3 US - RHODE ISLAND Companies must not allow the use of breakrooms during work

**Abstract:** Effective 17 October 2020, companies operating in-person operations in Rhode Island are prohibited from operating a breakroom for breaks during work. However, the breakroom may be used for the purpose of employee food storage and, as such, may be accessed by employees during work breaks to store and obtain food. Congregating in breakrooms at any time is prohibited.

**Business Impact:** As of 17 October 2020 and until 15 January 2021, the company must prohibit the use of a breakroom for breaks during work. However, a breakroom may be used for the purpose of employee food storage and, as such, may be accessed by employees during work breaks to store and obtain food. A breakroom, by definition, can include kitchens and conference rooms that have no windows or doors to the outside to allow for airflow and adequate space to allow 2 or more people to maintain 6 feet distance from each other. Also, the company must provide soap and running water or hand sanitizer and properly clean surfaces. Face coverings must be worn in a breakroom at all times.

**Analysis: Actionable Requirements** If the company conducts in-person operations and has a breakroom, it prohibits the use of a breakroom for breaks during work.

**What Has Changed?** The Rhode Island Department Safe Activities by Covered Entities During the COVID-19 Emergency regulations have been amended to add provisions to restrict the use of breakrooms during work. The restriction on the use of breakrooms will terminate after 15 January 2021.

**More Information** “Breakroom” means an indoor location at an establishment, which has neither (a) operable windows or doors to the outside to allow for airflow; nor (b) adequate space to enable 2 or more employees within the area to stay at least 6 feet apart from each other, and which location is used by employees for breaks during work. This includes kitchens, conference rooms, and other areas used for breaks during work that have neither (a) nor (b) above. This definition does not include cafeterias or other establishment locations ordinarily used for food service. If it is not feasible for employees to eat or otherwise take breaks in a safe, alternate location inside or outside the establishment, breakrooms may be used by employees for breaks during work in accordance with the current [guidance](#). The guidance includes safety measures such as staggering break and lunch times, avoiding in-person celebrations, asking employees to stay home when they have symptoms of COVID-19, and providing cleaning supplies. Breakrooms may be used for the purpose of employee food storage and, as such, may be accessed by employees during work breaks to store and obtain food. Soap and running water or hand sanitizer, and other appropriate cleaning supplies, must be available to individuals for use. Also, breakroom surfaces must be thoroughly cleaned in accordance with applicable guidance at least once per day. Cloth face coverings must be worn in breakrooms at all times.

**Additional Information** The Safe Activities By Covered Entities During the COVID-19 Emergency regulation is available [here](#).



## 5.2 Europe

### 5.2.1 CROATIA Public gatherings over 50 persons prohibited as stricter epidemiological measures are introduced to curb the spread of Covid-19 in Croatia

**Abstract:** As of 27 October 2020, companies operating in Croatia should be aware that organizing public gatherings of more than 50 persons is prohibited. Furthermore, stricter epidemiological measures must be followed by organizers of public gatherings under 50 persons, such as notifying the competent civil protection service of the Civil Protection Directorate at least 48 hours before a public gathering of more than 30 persons and keeping written records of the participants of a public gathering of more than 15 persons.

**Business Impact:** Companies operating in Croatia should be aware that, as of 27 October 2020, organizing public gatherings of more than 50 persons is prohibited. Furthermore, stricter epidemiological measures must be followed by organizers of public gatherings under 50 persons, such as notifying the competent civil protection service of the Civil Protection Directorate at least 48 hours before a public gathering of more than 30 persons and keeping written records of the participants of a public gathering of more than 15 persons. Lastly, it should be noted that requirements regarding work from home and wearing masks in offices where a safety distance of at least 2 metres cannot be ensured continue to apply and remain unchanged.

**Analysis: Actionable requirements:** The company does not organize public gatherings of more than 50 persons and respects the public gathering curfew (10 pm).

If the company intends to organize an indoor or outdoor gathering to which more than 30 persons have been invited or are expected to attend, it notifies the competent county civil protection headquarters no later than 48 hours before the planned start of the gathering and follows all general anti-epidemic measures and special recommendations of the Croatian Institute of Public Health.

If the company intends to organize an indoor or outdoor gathering to which more than 15 persons have been invited or are expected to attend, it keeps records of all the participants of the gathering for at least 14 days.

The company complies with all general and special COVID-19 measures and recommendations published by the Croatian Institute of Public Health.

The company organizes work from home where possible, cancels meetings and business trips outside the country except for those that are absolutely necessary and prohibits the arrival at work of workers who have a fever and respiratory problems.

**What has changed:** With the entry into force of the [Decision on necessary epidemiological measures restricting gatherings and introducing other necessary epidemiological measures and recommendations to prevent the transmission of COVID-19 disease through gatherings OJ 117/2020](#) on 27 October 2020, the following legislation is repealed:

[Decision to restrict social gatherings OJ 111/2020](#),

[Decision on necessary measures for the organization of gatherings attended by more than fifty participants during the declared epidemic of the disease COVID-19 OJ 80/2020](#), as amended, and

[Decision on necessary measures to restrict social gatherings, work in trade, service activities and holding sports and cultural events during the declared epidemic of the disease COVID-19 OJ 32/2020](#), as amended.

The new decision provides for stricter epidemiological measures, specifically targeted at preventing the spread of Covid-19 through gatherings. As such, the following changes are observed:

Previously, public gatherings could be attended by 300 persons indoors or 500 persons outdoors. In line with Decision OJ 117/2020, public gatherings must not have more than 50 attendees and can only take place within the permitted curfew (no later than 10 pm); and

Previously, persons intending to organize an indoor or outdoor gathering to which more than 50 persons have been invited or expected to attend were required to notify the competent county civil protection headquarters at least 48 hours before the planned start of the gathering. In line with Decision OJ 117/2020, such notification must now be made for gatherings to which more than 30 persons have been invited or expected to attend, and

Previously, persons intending to organize an indoor or outdoor gathering to which more than 30 persons have been invited or expected to attend were required to keep records of the event attendees. In line with Decision OJ 117/2020, such records must be kept for gatherings to which more than 15 persons have been invited or expected to attend. Requirements regarding work from home and wearing masks in offices where a safety distance of at least 2 metres cannot be ensured continue to apply and remain unchanged by Decision OJ 117/2020.

**Restriction on gatherings** Companies intending to organize an indoor or outdoor gathering to which more than 30 persons have been invited or are expected to attend must notify the competent county civil protection headquarters no later than 48 hours before the planned start of the gathering. The aforementioned notification must contain the: - purpose, place, day and time of the meeting, - contact person details, and - expected number of participants. The list of e-mail addresses of 112 county centres is provided in Annex I to Decision OJ 117/2020. Furthermore, companies intending to organize an indoor or outdoor gathering to which more than 15 persons have been invited or are expected to attend must keep records of all the participants of the gathering for at least 14 days. If it is established that one of the participants of the gathering is infected with the SARS-CoV-2 virus, the organizer of the gathering must submit the participant records (*Evidencija sudionika javnih okupljanjima*) to the territorially competent civil protection service of the Civil Protection Directorate by e-mail.

## 5.2.2 FINLAND Employers are suggested to adopt extensive remote working in Finland as of 15 October 2020

**Abstract:** Companies operating in Finland are recommended by the Finnish Government to adopt extensive remote work practices. The Finnish Government agreed on 15 October 2020 on national and regional recommendations in response to the increase in coronavirus infections. The recommendations are not legally binding on employers but companies are urged to follow them in light of the public health situation.

**Business Impact:** As the company operates in Finland it should adopt extensive remote work practices as recommended by the Finnish Government. Employers should also promote work arrangements that reduce close contacts and other risk factors for employees. On 15 October 2020, the Government issued national recommendations on remote work and regional recommendations on social distancing and the limit of the number of persons in events and activities. The national recommendation on remote work will remain in force until otherwise decided. The recommendation will be reassessed by 31 December 2020. Companies should note that the Government's policies and recommendations are not legally binding on employers but companies are urged to follow them in light of the public health situation.

**Analysis:** On 15 October 2020, the [Finnish Government agreed](#) on further national and regional recommendations in response to the widespread increase in coronavirus cases nationwide. The Government recommends that private-sector **employers adopt extensive remote work practices**. The Government notes that employers are responsible for assessing how best to coordinate remote and on-site work at their workplaces. Employers should also promote work arrangements that **reduce close contacts and other risk factors for employees**. The Government announced that it will adopt a resolution on the recommendations at its plenary session on the week beginning on 19 October but the resolution has not yet been published. The national recommendation on remote work will **remain in force until otherwise decided**. The recommendation will be reassessed by 31 December 2020. Companies should note that the Government's policies and recommendations on remote working are not legally binding on employers. In preparing for the changed circumstances at

workplaces companies can consult the Finnish Institute of Occupational Health (*Työterveyslaitos*) [guidelines for employers on preparing for coronavirus epidemic](#). They contain guidance, for example, on: - establishing a preparedness team for the co-ordination of preparations; - occupational safety and risk assessment; - communications and orientation; - cleanliness and hygiene; - remote work and other ways of arranging work; and - personal protective equipment and face masks. In addition, the Government announced regional recommendations on safe distances and limits to the number of persons, for example, in public and private events and leisure activities. The recommendations are divided into three categories based on the development of the epidemic. For instance, in regions where the epidemic is at the base level (*epidemiaan perustaso*), the Government recommends that all public events and leisure activities with more than 50 participants be arranged in a way that takes into account the guidelines from the Finnish Institute for Health and Welfare (THL) and the Ministry of Education and Culture on [hygiene recommendations and safe distances](#). Participants should be able to avoid close contact with one another in public spaces and leisure activities. The Government recommends also that in the acceleration phase of the epidemic (*epidemiaan kiihtymisvaihe*) and in the spreading phase (*epidemiaan leviämisvaihe*) regional or local decisions on limiting the number of participants in events and activities are issued. For example, in the acceleration phase, the Government recommends that the number of customers permitted in indoor spaces is restricted by half. Further implementation of the Government recommendations will depend on the regional and local authorities.

### 5.2.3 IRELAND Since 22 October 2020 non-essential businesses must implement work from home nationwide unless essential and companies must not organise events, as Ireland moves to Level

**Abstract:** At midnight 21 October 2020, Ireland transitioned to Level 5 under Ireland's Plan for Living with COVID-19. Under Level 5, businesses must ensure that employees work from home unless they are providing an essential service or operating an essential retail outlet and the presence of the employee is required. Businesses must not organise events unless they fall within narrow exceptions to the prohibition. These measures are currently set to remain in force until 9 November 2020, but, if further extended, will remain in force until 1 December 2020.

**Business Impact:** Since 22 October 2020, due to the transition of Ireland to Level 5, if the business operates a non-essential service or retail outlet, it must ensure that employees work from home, and must not permit workers or members of the public to access the premises. Exceptions to these shutdown requirements will apply to businesses which are deemed essential services or retail outlets. These services include, among other things, certain manufacturing services, such as the manufacture of chemicals and chemical products, electrical equipment, machinery and other equipment, and products necessary for the supply chain of essential services. These exceptions are permitted only where the service cannot be conducted remotely and where the physical presence of the worker is required. If the warehouse or data centre operates under Level 5, it must not organise or cause events to be organised, unless they fall under permitted exceptions.

**Analysis: Actionable requirements** -Since 22 October 2020, if the business operates under Level 5, it does not organise or cause a relevant event to be organised. -Since 22 October 2020, if the business operates a non-essential service or non-essential retail outlet, it does not allow workers and/or members of the public to access the premises, and ensures that workers work from home. -Since 22 October 2020, if the business operates an essential service or essential retail outlet, it permits workers access to the premises only where this access is necessary for the operation of the essential service or essential retail outlet. -Since 22 October 2020, if the business operates an essential service or retail outlet, it only permits members of the public to access the part of the premises that is solely operating the essential retail outlet or essential service.

**What has changed** The [Health Act 1947 \(Section 31A - Temporary Restrictions\) \(Covid-19\) \(No. 8\) Regulations 2020 \(S.I. No 448 of 2020\)](#) (the Regulations) came into force on 22 October 2020. These Regulations revoke the previous Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 7) Regulations 2020 (S.I. No. 442 of 2020). The Regulations

create further nationwide restrictions aimed at preventing the spread of COVID-19, to reflect Ireland's transition to Level 5 of the Plan for Living with COVID-19. The Regulations have extended the application of requirements for the shutdown of non-essential services and retail outlets. These measures had previously only been in force for certain counties, but now apply to the entire country. The Regulations also create stricter requirements for the organising of events nationwide, which have been banned except in very limited circumstances. These restrictions are set to remain in force until 9 November 2020. The Regulations specify, however, that if the Irish government adopts a resolution which approves the continuation of Part 3 of the [Health \(Preservation and Protection and other Emergency Measures in the Public Interest\) Act 2020 \(No. 1 of 2020\)](#) before 9 November 2020, then the measures will remain in force until 1 December 2020.

**Additional information** *Event restrictions* Under the Regulations, a relevant event refers to an event held for social recreational, exercise, cultural, entertainment or community reasons. These events do not include, for example, events in dwellings. Limited exceptions to the prohibition on the holding of events are set out under the Regulations. Events may only be permitted where they only take place outdoors and the person who organises the event takes all reasonable steps to ensure that the event is attended, or proposed to be attended, by persons residing in no more than 2 different places of residence.

*Level 5 - Shutdown of non-essential services* The restrictions on the operation of businesses and services are aimed at premises controllers, occupiers of premises, managers of premises, and/or any other person in charge of a premises. According to the [information](#) published by the Department of the Taoiseach, under Level 5 businesses nationwide must ensure that employees work from home unless the business is operating an essential service or retail outlet at which the physical presence of the worker is required. Physical attendance at workplaces is only permitted where the essential service cannot be delivered remotely. It does not include administrative and other support for such businesses and services unless the activity is specified as an essential service and the physical presence of the worker is required. Under the Regulations, essential services include, among others: -certain manufacturing services, such as the manufacture of chemicals and chemical products, electrical equipment, machinery and other equipment, and products necessary for the supply chain of essential services; -certain transport, storage and communications services, such as warehousing and support activities (including cargo-handling, postal and courier activities) for the transportation of goods; -certain food and beverage service activities, including for supply to a business engaged in an essential service; -certain information and communications services, such as data centre services and related services; and -certain construction and development services, including the supply and delivery of maintenance and repair services to businesses and places of residence (including electrical, gas, plumbing, glazing and roofing services). Further, certain administrative and support services are considered essential services, to the extent that is specified under the Regulations. This includes, among other things: -payroll and payment services necessary for the operation of undertakings and bodies; -business support services (including information and communications technology support) where such services are necessary to support activities such as: -any other essential service; -a person working from their place of residence where the business concerned is being operated from a place of residence; and -the cleaning of buildings and industrial cleaning activities, where necessary to support any other essential service. Additionally, essential health and safety training that cannot be done remotely is considered an essential service under the Regulations. Essential retail outlets include, among other things, outlets selling food or beverages: -insofar as they sell food or beverages on a takeaway basis or for consumption off the premises; and -insofar as they are staff canteens operating for the exclusive use of persons working in, or at, a particular premises.

**Offences** Persons in breach of the measures set out under the Regulations commit an offence. Liability for breach of these restrictions may result in a Class C fine of up to 2500 EUR and/or up-to 3 months imprisonment.

**Framework for restrictive measures** The Irish government has developed a Framework for Restrictive Measures in Response to COVID-19 (the Framework) as part of the government's [Resilience and Recovery 2020-2021: Plan for Living with COVID-19](#) (the Plan), which sets out levels of restriction which can be applied at national or county levels. The accompanying Framework is a risk management strategy indicating the Irish government's plans for dealing with COVID-19 in the coming 6-9 months, including accompanying measures that are assigned to particular levels. A description of the Framework is set out on pages 8-10 of the Plan, with a detailed graphic indicating the measures at each level set out on 11-13. A graphic summarising measures for particular levels under the Framework is available [here](#).

#### 5.2.4 POLAND Companies to comply with harsher national restrictions adopted in order to combat the spread of COVID-19

**Abstract:** As of 4 October 2020, facilities must comply with harsher restrictions adopted in order to combat the spread of the coronavirus (COVID-19). More specifically, facilities operating a canteen must provide that the canteen is opened only for the preparation of food and serving food to go. In addition, the whole territory of Poland has been qualified in the red zone category.

**Business Impact:** If the facility has workers present onsite, it must be aware that it is subject to an additional requirement adopted in order to curb the spread of COVID-19. For example, the facility operates a canteen, it ensures that the canteen is opened only for the preparation of food and serving food to go. Lastly, the whole territory of Poland has been qualified in the red zone category, which means that the facility is also bound with requirements applicable to this category, for example, if it operates a gym, it must ensure the gym remains closed until further notice. The company should be aware that failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

**Analysis: Actionable requirements** If the facility operates a canteen, it ensures that the canteen is opened only for the preparation of food and serving food to go. (new requirement)

**What has changed** The Ordinance of the Council of Ministers of 23 October 2020 on setting limitations, prohibitions and requirements related to the outbreak of the epidemic (the Ordinance) sustains requirements established by previous versions of the Ordinance, for instance, the requirement to provide sanitizing gel or disposable gloves to the employees, and introduces 1 new requirement. More specifically, facilities operating a canteen must provide that the canteen is opened only for the preparation of food and serving food to go. In addition, the whole territory of Poland has been qualified in the red zone category, which means that all the requirements applicable to this category will bind all facilities located in Poland, for instance, all facility gyms must remain closed.

**Additional information** The Ordinance of 9 October 2020 divided the territory of Poland into 2 categories: red and yellow zones. Each region is assigned to a specific category, basing on the number of confirmed COVID-19 cases. According to the current number of COVID-19 cases, the Ordinance qualified the whole territory of Poland in the zone category. Facilities operating a canteen, ensure that the canteen is opened only for the preparation of food and serving food to go. It means that any consumption food at the canteen is forbidden. *Fines* Under the Act of 5 December 2008 on preventing and combating infections and infectious diseases, facilities that fail to follow obligations stated in the Ordinance of 9 October 2020, are subject to a fine of PLN 5 000 to 30 000 (approximately EUR 1 100- EUR 6 800)

#### 5.2.5 PORTUGAL Companies must continue to comply with specific health and safety rules due to the declaration of the state of calamity in Portugal

**Abstract:** Until 3 November 2020, companies operating in Portugal must continue to comply with teleworking, hygiene and social distancing rules for workplaces. These measures follow from Resolution of the Council of Ministers 89-A/2020 and will likely be extended after 4 November 2020.

**Business Impact:** If the company resumes its operation during the COVID-19 outbreak, it must continue to comply with all the applicable measures, such as setting up strict regimes of daily and periodic cleaning, and disinfection of all the workspace, including any equipment, other objects and surfaces with which employees have daily direct contact, among others. The company must also continue, if it has facilities located in the Metropolitan Areas of Lisbon and Porto, to have rotation systems, preventing workers from working in the same period. If the workplace does not comply with the

minimum health and safety recommendations issued by the competent authorities, the company's facilities must continue to remain closed and its workers must work from home. Upon request, the company must also allow specific categories of workers, such as workers who are demonstrably immuno-compromised, to work from home.

**Analysis: Actionable requirements** There are no new direct requirements for companies. **What has changed?** According to [Resolution of the Council of Ministers 89-A/2020 of 26 October 2020](#), companies must continue to ensure that the maximum number of people in a group or a meeting is 5 and continue to comply with the previously applicable requirements on the use of face masks or face shields and the minimum distance between employees. Companies must also continue to allow any worker who has proven to be immuno-compromised, chronically ill or who has a disability of 60% or higher to work from home.

**Additional information** Resolution of the Council of Ministers 89-A/2020 extends the declaration of the state of calamity in the whole territory of Portugal. It does not review or replace the requirements previously established in [Resolution of the Council of Ministers 88-A/2020](#), which continue to be applicable. Resolution of the Council of Ministers 89-A/2020 is integrated in the Portuguese Government's legislative and regulatory response to fighting COVID-19 and it applies between 30 October and 3 November 2020. Immuno-compromising conditions and chronic illnesses must be attested by a medical certificate and disabilities must be certified by a document issued by the health authorities (*certificado de incapacidade multiuso*). Failure to comply with the mandatory health and safety rules constitutes a criminal act, punishable by the imposition of fines or even prison, under the relevant Portuguese criminal legislation.

## 5.2.6 SLOVENIA Movement between Slovenian municipalities temporarily restricted as of 27 October 2020

**Abstract:** As of 27 October 2020, companies located in Slovenia should be aware that a temporary restriction of passage between municipalities in Slovenia has entered into force. Nonetheless, exceptions to this restriction exist, such as for example in case of arrival to and from work. This development has been brought forth by the Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the spread of COVID-19 OJ 155/2020. The previously imposed police hour, ban of all public events and restriction of gatherings of more than 6 persons remain in force under this new Ordinance.

**Business Impact:** Companies located in Slovenia should be aware that, as of 27 October 2020, a temporary restriction of passage between municipalities in Slovenia has entered into force. Nonetheless, exceptions to this restriction exist, such as for example in case of arrival to and from work. In that case, employees commuting between municipalities for work purposes must carry with them appropriate proof to prove that they qualify for an exception. Lastly, it should be noted that the previously imposed police hour (9 pm to 6 am), ban of all public events and restriction of gatherings of more than 6 persons continue to apply.

**Analysis: Actionable requirements:** The company does not organise public gatherings. (existing requirement)

**What has changed?** The [Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the spread of COVID-19 OJ 155/2020](#) has repealed and replaced the [Ordinance on the temporary partial restriction of movement of persons and restriction or a ban on gathering people due to prevention of SARS-CoV-2 infections OJ 147/2020](#) as of 27 October 2020. Under the old Ordinance OJ 147/2020, movement was restricted between statistical regions, while under the new Ordinance OJ 155/2020, movement is now additionally restricted between municipalities (subject to exceptions). Nonetheless, all other previously existing requirements imposed by the old Ordinance OJ 147/2020 remain in force under the new Ordinance OJ 155/2020. That is,



movement of persons between 9 pm and 6 am is still restricted, gatherings of more than 6 people are still prohibited, and all events, gatherings, weddings and religious ceremonies are also still prohibited.

**Restriction of movement between municipalities** Pursuant to the new Ordinance OJ 155/2020, the passage between municipalities in Slovenia is temporarily restricted. However, thirteen exceptions for crossing between municipalities, such as for example:

- arrival and departure for work and performance of work tasks,
- performance of economic, agricultural and forestry activities, and
- elimination of imminent danger to health, life and property.

When travelling between municipalities, an individual must have the appropriate proof to prove they qualify for an exception and allegedly signed [statement](#) containing the following information:

- name and surname,
- address of residence,
- address or place of destination of the trip,
- an indication of the reason justifying movement,
- an indication of any close family members or members of the joint household moving and staying with him,
- an indication that the persons immediate family members or members of the joint household in which the person is staying have not been ordered to be isolated or quarantined,
- an indication that the person is aware of criminal or tort liability for non-compliance with regulations, orders or measures for the control or prevention of communicable diseases in humans, and
- an indication that the person is aware of the restrictions laid down in Ordinance OJ 155/2020 and that they will respect them.

A person is considered to reside in a municipality if he or she has a permanent or temporary residence in that municipality. An individual can reside at only one address of residence and can not move between the two residences.

### 5.2.7 SWEDEN Companies again allowed to organise larger public meetings and events with certain precautionary measures in Sweden

**Abstract:** As of 1 November 2020, companies are allowed to organise general gatherings and public events with a maximum of 300 participants, where social distancing can be ensured by allocated seats with a one-meter distance. The Government published on 23 October 2020 the exemption from the temporary prohibition to organise public events and gatherings.

**Business Impact:** As of 1 November 2020, the company is allowed to organise gatherings and events which are open to the public with a maximum of 300 participants, provided that participants are provided with an allocated seat with at least a one-meter distance from other participants. Participants must also be able to maintain that distance throughout the gathering or event. This exemption to the current prohibition to hold public meetings and events of more than 50 participants follows from the recent amendment adopted by the Swedish Government to the temporary Ordinance (SFS 2020:114) on Prohibition to Hold Public Meetings and Public Events.

**Analysis:** On 23 October 2020, the Swedish Government has introduced [an amendment](#) to the temporary [Ordinance \(SFS 2020:114\) on Prohibition to Hold Public Meetings and Public Events](#) prohibiting public gatherings and events of more than 50 participants in Sweden due to the risk of spreading of the coronavirus. The amendment establishes an exemption from the prohibition and allows general meetings and public events with **a maximum of 300 participants** to take place. The amendment enters **into force on 1 November 2020**. Two conditions must be complied with if the company organises such public meetings or events with a maximum of 300 participants: - each participant must be assigned **a seat with at least a one-meter distance** to other participants (two persons of the same party may be placed closer together than one meter);



and - participants must be able to **respect that distance** throughout the meeting or event. Meetings or events can be considered public if they are organised for the public or open to the public. With a view to the rise in infections of the coronavirus during the autumn, the Government has previously chosen to delay the introduction of an exemption. However, following recent dialogue with the Swedish Public Health Authority (*Folkhälsomyndigheten*), the Government has decided to introduce the exemption as of 1 November.

## 5.3 Latin America

### 5.3.1 ARGENTINA NATIONAL Companies with non-essential or exempted activities must remain closed or continue to work remotely following the extension of the lockdown until 8 November

**Abstract:** Until 8 November 2020, companies, unless exempted, must continue to cease their activities as Argentina has extended the lockdown under the same conditions as the previous extension. This follows from Decree 814/2020 which extends the lockdown in some areas of the country (such as the Metropolitan Area of Buenos Aires and some departments of Santa Cruz province), while it keeps the social distancing measures in the rest of the provinces. Among other minor changes, the lockdown has been eased in Jujuy Province, and re-imposed in many departments of other provinces.

**Business Impact:** If the company operates in the Metropolitan Area of Buenos Aires or in some specific areas (such as some regions of Santa Fe, Cordoba, Salta or Tucumán provinces) and does not carry out any of the activities classified as essential or expressly exempted (such as food or pharmaceutical industries, manufacture of products for the export, or construction sector), it must continue to cease its operations until 8 November 2020. The company can remain operational remotely, if possible. If the company operates in any other area where the lockdown has been lifted, it can continue with its activities, subject to the authorization of the local authorities. Among others, the company must continue to comply with the sanitary protocols specific to its activity, ensure there is a physical distance of at least 2 meters between workers, and comply with any decision of local authorities regarding opening hours and operating days. In addition, the company can organize employees in turns for granting the physical distance in rooms used for resting or eating.

**Analysis: Actionable requirements** If the company carries out activities in areas under lockdown (such as the Metropolitan Area of Buenos Aires or some departments of Cordoba province) and does not carry out essential or expressly exempted activities, it remains shut down, or continues its operations remotely, until 8 November 2020. Additionally, if the company has resumed activities, it must continue to comply with the 2 meters physical distance, adequately ventilate areas allocated for rest, food, or any other activity within the working environment.

**What has changed?** The above-listed actionable requirements are not new. The Decree 814/2020 extends the lockdown until 8 November 2020 in areas where the number of COVID-19 cases continues to increase, whereas it extends the obligation to comply with social distancing measures, without lockdown, in the rest of the country. The Decree has lifted the lockdown in Jujuy Province and replaced it with social distancing measures. In addition, it re-imposes the lockdown in several departments of different provinces (such as Buenos Aires Province, Chubut Province, and Río Negro Province). Regarding prohibitions and allowed activities, the Decree keeps the same conditions as the previous extension, set out in [Decree 792/2020](#).

**Additional information** On 26 October 2020, the Argentine government published Decree 814/2020, which extended the lockdown. In this regard, the lockdown continues to be imposed in some areas of Santa Fe, Cordoba, Santa Cruz, La Rioja,

Río Negro, Salta, Santiago del Estero and Tucuman provinces and the Metropolitan Area of Buenos Aires (*Área Metropolitana de Buenos Aires -AMBA*), which includes the City of Buenos Aires and 35 municipalities of the Buenos Aires province, including, among others:

La Matanza;

Vicente López; and

Avellaneda.

The following activities are exempted from the lockdown, among others:

food and pharmaceutical industries;

provision of construction materials and the industrial activities related to it;

economic activities taking place in Industrial Estates (*Parques Industriales*)

health and safety professionals;

manufacture of products for the export; and

industrial activities with continuous production processes, to which the interruption of their operations would damage their production lines or machinery (for instance, glass and metal industries).

Moreover, local authorities are allowed to request the national government the exemption of further activities, subject to the existence or elaboration of a sanitary protocol. Furthermore, companies that do not carry out essential activities must provide private transport means to their workers, since public transport is reserved only for essential workers (such as healthcare workers and police officers).

In areas where the lockdown has been eased, the following social distancing measures must be respected, among others:

physical distance of at least 2 meters;

use of face masks;

regular hands washing;

disinfection of surfaces of common use; and

ventilation of closed environments.

Companies carrying out industrial and commercial activities must continue to comply with the sector protocol specific to their activities and restrict the attendance to 50% of their capacity. Furthermore, companies must ensure that there is a physical distance of at least 2 meters in indoors resting areas or canteens.

Finally, employees over 60 years of age, pregnant women, workers included within risk groups (such as people with diabetes, respiratory diseases, or under cancer treatment) or workers whose presence at home is required for taking care of children or elders continue to be exempted countrywide from attending their workplaces.

[Decree 814/2020, extending the lockdown until 8 November 2020](#) is available online in Spanish.

## 5.4 Africa & Middle East

### 5.4.1 JORDAN Companies must comply with reinforced measures for the fight against Covid-19

**Abstract:** Since 22 October 2020, companies operating in Jordan must respect new curfews imposed for the prevention of the spread and the fight against the coronavirus (Covid-19) and shut down their activities at night until 31 December 2020.

**Business Impact:** If the company operates in Jordan, it must comply with the new curfews imposed on the national level in Jordan from 11pm until 6am everyday, and from 11pm on Thursday until 6am on Saturday for the weekend. In addition, companies that have facilities in Jordan must close these facilities every weekday from 10pm until 6am.

**Analysis: Actionable requirements** If the company operates in Jordan, it must make sure its employees respect a weekend curfew from 11pm on Thursday until 6am on Saturday every week, in case their work schedules collapses with the curfew timing. If the company operates in Jordan, it must make sure its employees respect a curfew from 11pm until 6am on weekdays, in case their work schedules collapses with the curfew timing. If the company operates facilities in Jordan, it must close these facilities every weekdays from 10pm until 6am. (some exceptions can apply based on future decisions from the prime ministry)

**What's new** The above-mentioned requirements represent reinforced measures for the fight against the spread of the coronavirus. They impose new curfews that must be respected on the national level in Jordan and apply until 31 December 2020.

**Additional information** Companies can expect regular inspections by the authorities. Penalties for non-compliance vary between fines up to 2000 dinars and a complete shutdown for 14 working days.

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