

Kurzinformation 1/2020/engl.

Corona: important information for workers

The Corona pandemic presents employees with new challenges. Many people fear losing their income or even being let go. The closure of schools and daycare centres also raises the issue of childcare for working parents. This leaflet provides important information for employees. For further information, please contact the Berlin Advisory Centre for Migration and Decent Work BEMA:
www.bema.berlin.

1. Can my employer terminate my contract because of the Corona pandemic?

Protective rules and regulations against unlawful dismissal also apply during the pandemic. Many companies experience losses, but this does not necessarily justify the termination of the employment contract. Therefore, please do not sign any termination (Kündigung) or termination agreement (Aufhebungsvertrag) without consulting us. If you are employed for more than 6 months and your company employs more than 10 people, legal protection against unjust dismissal applies to you. If you receive notice of termination, seek advice and take legal action by filing a lawsuit with the labour court within 3 weeks.

2. Does the employer have to continue paying my wages if the company is closed because of the pandemic?

Yes, you are entitled to payment of your wages for six weeks. The employer may not ask you to use up your vacation days or compensate for overtime.

Therefore, do not sign any vacation applications or unpaid release applications that might be proposed to you.

3. I had contact with an infected person and was therefore quarantined. Will I continue to receive my wages?

If you are personally quarantined, the employer must continue to pay the salary for a period of six weeks. This is regulated by the German Infection Protection Act. If you have symptoms of illness, you are unable to work and must present the certificate of incapacity to the employer no later than the fourth day (if necessary, from the first day, if the employer requests so).

4. My job involves a lot of personal interaction with clients. I am afraid I might catch the virus. Do I still have to go to work?

Fear of infection alone does not justify refusing to go to work. You are only allowed to stay at home if you are unable to work (i.e. sick). However, your employer has to take measures to protect your health and safety, such as providing disinfectant/ hand sanitizer. Moreover, your employer is not allowed to prevent you from wearing a protective mask and gloves.

5. Do I have to tell my employer if I carry the coronavirus?

Generally, you are not obliged to tell your employer what type of illness you have when you are sick. However, according to directives from the Federal Ministry of Work and Social Issues there are some exceptions: if you have been infected with the coronavirus your employer is allowed to request information about this so the company can take measures to protect other employees.

6. Do I need to take vacation days if I have to take care of my children because schools and Kitas are closed?

Parents are required to organize childcare. If there is no other option (e.g. one of the parents staying home) you might be unable to go to work. You have the right to paid leave unless this is explicitly excluded in your work

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contract (§ 616 BGB). Otherwise you have the right to unpaid leave. You can of course compensate for overtime or take holidays. In that case you will be paid.

At the moment a lot of companies are working on special agreements in order to deal with the current situation. Talk to your employer to see if you can find a solution!

19.03.2020

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