

Global Snapshot

The Global Workplace

With swift action being taken around the globe to stem cases of the new Omicron variant and with much of Europe already taking preventative measures against a potential fourth wave of the pandemic, once again, multinational employers face the challenge of managing global Covid-19 issues compatibly with fast-moving local changes. While the reported statement from EU Commission chief Ursula von der Leyen yesterday that European countries should consider mandatory vaccination to combat the new variant might rightly lead employers to think that vaccination as a condition of employment is currently largely optional, a number of countries around the world (including in Europe) have already taken some steps in that direction – whether by mandating vaccination for certain sectors, or, more indirectly, by introducing severe restrictions for the unvaccinated or allowing employers to refuse entry to those who are not jabbed and to send them home without pay. Indeed, just as we go to press on this alert, the wires are buzzing with the news that Chancellor Angela Merkel has announced new restrictions for the unvaccinated in Germany – in particular, barring them from many public places, including non-essential shops and events, unless they have recently recovered from Covid-19. Further, it is reported that a nationwide vaccination mandate could be imposed in Germany from as early as February 2022, subject to parliamentary debate. It is, therefore, more important than ever that employers understand the current position in relation to vaccination in the jurisdictions in which they operate and how this interacts with the other preventative measures available – including working from home.

To assist, we have put together a brief snapshot overview of the position in key jurisdictions, including the answers to arguably the two key questions – should employees be working from home? and can vaccinations be made a mandatory condition of access to the workplace?

Please note that this guide is intended as a high-level overview only and should not be regarded as a substitute for legal advice. It sets out the position as at 2 December 2021. This is an extremely fast-moving situation, and we recommend that you always check the latest position with your local labour and employment lawyer. Where “✓/× Maybe” responses are given, they may be dependent on the facts and specific advice should always be taken.



Contents

Click on the flag to be taken to the relevant jurisdiction.



Australia



Belgium



China



Czech Republic



France



Germany



Hong Kong



India



Italy



Poland



Russia



Saudi Arabia



Singapore



Slovak Republic



Spain



United Arab Emirates





UK







USA





Jurisdiction	General Status Update, Trends and Themes	Is Working From Home Required?	Is Vaccination Mandatory?
<p>Australia</p>	<ul style="list-style-type: none"> The situation in Australia continues to evolve rapidly, with a number of changes to state and territory regimes scheduled to take effect over the coming weeks. The position currently differs between states and territories and may depend on whether a worker is vaccinated or unvaccinated. In New South Wales and Victoria, which have experienced widespread outbreaks of Covid-19, restrictions have been recently eased allowing for a return to the office for those who are vaccinated. Despite this relaxation of restrictions, we are seeing many employers adopt a hybrid approach of home and office working, in some cases permanently. CovidSafe measures remain in place in workplaces to various extents, including measures such as social distancing, density limits, mask wearing and increased hygiene and cleaning measures. In those states where there is some form of mandatory vaccination for particular industries and workers, very few genuine medical exemptions appear to have been granted. For information specific to an Australian state or territory, including in relation to current restrictions and requirements applicable to employers and employees, please visit the following websites: <ul style="list-style-type: none"> NSW Victoria Queensland Western Australia Northern Territory ACT South Australia Tasmania 	<p style="text-align: center;">Maybe</p> <ul style="list-style-type: none"> Working from home requirements are largely dependent on the extent of Covid-19 outbreak(s) in the relevant state or territory in which an employee works (see links in the 'General status update, trends and themes' column for state and territory specific information). For example, Victoria has introduced sweeping mandatory vaccination requirements for specified workers in a broad range of industries in order for workers to attend for work on-site. These directions remain in force until 15 December 2021, although it is expected that the directions will be extended 'well into 2022'. Where a 'worker' is not double vaccinated, they must work from home and are not permitted to work on-site. Similarly, in New South Wales, until 15 December 2021 or the State reaches 95% double dose vaccination rates, employers must require any employee who is not double vaccinated to work from home if reasonably practicable to do so. On the other hand, in South Australia and Tasmania, there are no requirements for an employee to work from home (provided the employee is not working in an industry where vaccination has been mandated by the relevant government). Commentary suggests that the dates referred to above may be extended due to Omicron but this is a very much 'watch this space' development. 	<p style="text-align: center;">Maybe</p> <ul style="list-style-type: none"> State and territory governments in all states and territories of Australia have mandated vaccinations for specific industries and occupations. Deadlines for vaccination vary, with some industries in some states already requiring workers to be double vaccinated. Generally, industries such as the healthcare, air travel and border control, aged and community care, teaching, and hotel quarantine industries are subject to mandatory vaccination requirements (however, it is noted that this differs state by state). For example, in Western Australia, employees working in industries determined to have a high transmission or vulnerability risk must be fully vaccinated by 31 December 2021, including those employees in the healthcare, community care services, border control and air transport, corrective services and fly-in fly-out mining industries. Workers in a second group of industries and occupations must be vaccinated by 31 January 2022. Many companies are opting to implement mandatory vaccination requirements, including mandatory vaccination requirements for any workers visiting their worksites or the worksites of clients, customers, suppliers or other third parties.



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	<ul style="list-style-type: none"> Booster shots are now available in Australia, with a recommended interval of 6 months following receipt of second vaccine dose. Employers may need to be aware of whether an employee has received their booster. To date there has not been a decision of the Fair Work Commission in respect of any termination for failure to be vaccinated in accordance with an employer direction. However, a number of key decisions are expected to be handed down in the coming weeks. 		
Belgium	<ul style="list-style-type: none"> Belgium has started its booster programme, which is likely to take until February 2022 at least for all to be vaccinated (a second or third time). The country is again in semi-lockdown, such that public and private gatherings are severely restricted again. Schools are notionally open but many are closed temporarily due to the high number of cases. Most activities require a Covid Safe Pass, which confirms the individual is vaccinated or has recovered from Covid. 	<p style="text-align: center;"></p> <p>At least four days per week, until 12 December 2021. After that, at least until 28 January 2022, it will be three days a week.</p>	<p style="text-align: center;"></p> <p>Only for employees in the healthcare sector. Their employment contract may be terminated if they are not vaccinated by 1 April 2022.</p> <p>This measure is still the topic of debate.</p>


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China	<ul style="list-style-type: none"> China keeps enforcing its “zero-tolerance” policy. When a new case is discovered, the city government will lock down the areas where the confirmed case had started and all the individuals in that area will be subjected to quarantine. Except for areas designated as medium/high risk area, life is pretty much back to normal. 		<div style="text-align: center;">  </div> <ul style="list-style-type: none"> In practice, vaccination is strongly recommended by the government. As of 23 November 2021, it is reported that 76.3% of the population in China has received two doses of the vaccine. The government is currently rolling out vaccinations covering children between 3-5 years of age and a booster programme of third doses.
Czech Republic	<ul style="list-style-type: none"> Restrictions in the Czech Republic are slowly tightening as the number of Covid-19 cases is rising. People over 12 years of age who have not been fully vaccinated for at least 14 days and/or have not tested positive within the last six months are restricted from entering the vast majority of non-essential indoor places and services. Filtering Face Piece 2 (“FFP2”) respirators and/or nanofibre masks are mandatory in all indoor places including on public transport and also outdoors in places with over 30 people in close proximity. Employers are required to provide their employees with FFP2 respirators and/or nanofibre masks, if they are required to wear these while performing their job in places where they can meet other people. People who are fully vaccinated or who tested positive within the last six months only have to fill in an arrival questionnaire when entering the country. 	<p>Maybe</p> <p>The official advice from the government is that public institutions and offices should use working from home as extensively as possible. In the private sector, it is still left up to employers.</p>	<div style="text-align: center;">  </div> <p>Currently, there are no laws making vaccination mandatory. However, a new government should be fully established in the upcoming weeks and it might take a different direction on this issue.</p>


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France	<ul style="list-style-type: none"> • Individuals who test positive for Covid-19 must self-isolate for 10 days. • Otherwise, the self-isolation rules have been relaxed, meaning that all those who are fully vaccinated and do not suffer from immunosuppression are exempt from the requirement to self-isolate. • Those who are not fully vaccinated or suffer from immunosuppression must self-isolate for 7 days if they are a direct contact of someone with Covid-19. • The “health pass” is mandatory in the following places: <ul style="list-style-type: none"> – Establishments welcoming the public (bars and restaurants, cinemas, museums, malls of more than 20,000 m², etc.) – Interregional long-distance transport • The “health pass” is composed of one of the following documents: <ul style="list-style-type: none"> – A PCR or antigen test result from within the last 24 hours – Proof of complete vaccination status for Covid-19 – A certificate of recovery from Covid-19 infection • People between the ages of 18 and 64 who have had their last vaccine injection more than 5 months ago will need to have another shot by 15 January 2022 in order for their “health pass” to remain active. • The increased rates of the furlough scheme (70% of remuneration for employees with the full 70% refunded to employers, as opposed to the standard rate of 60% of remuneration for employees and only 36% refunded for the employer) remain applicable for: <ul style="list-style-type: none"> – Those companies that have suffered the most from the health crisis, until 31 December 2021 	<div style="text-align: center;"></div> <ul style="list-style-type: none"> • All businesses are allowed to be open and working from home is no longer mandatory. • However, many employees have not returned to the office or are working from home for part of the week. • Also, the Company Health Protocol of the Ministry of Labour still makes clear that working from home remains a helpful option to minimise health risks. 	<p style="text-align: center;">Maybe</p> <ul style="list-style-type: none"> • Vaccination is mandatory for healthcare and medical transport personnel, and more generally, employees of health establishments and certain other establishments (e.g. establishments for those with disabilities, the elderly). • For staff of establishments open to the public (bars and restaurants, cinemas, museums, malls of more than 20,000 m², etc.) or working in interregional long-distance transport, the vaccination is not mandatory but the “health pass” is. • These obligations do not apply to those employees if they do not work in spaces accessible to the public or do so only outside of public opening hours.



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	<ul style="list-style-type: none"> – Employees placed on partial activity for childcare or care of vulnerable persons, beyond 31 December 2021 • Mask wearing is mandatory in enclosed common places, including collective areas of offices, and, under certain conditions, outside (e.g. grouping, queues). 		
Germany	<ul style="list-style-type: none"> • Covid-19 infection figures in Germany have risen significantly in recent weeks. As of 2 December 2021, it is being reported that Chancellor Angela Merkel has announced greater restrictions for the unvaccinated – notably barring them from many public places, including non-essential shops and events, unless they have recently recovered from Covid-19. Further, it is reported that a nationwide vaccination mandate could be imposed in Germany from Spring 2022, subject to parliamentary debate. At this stage, only very preliminary details are known as published by the newswires and we anticipate more information will follow. • In response, an amendment to the Federal German Infection Protection Act has been passed by the German government. A new Sec. 28b has been introduced, which is intended to help break up the fourth wave of Covid-19 in Germany as quickly as practicable. 	<p style="text-align: center;"></p> <ul style="list-style-type: none"> • All employees should work from home where there are no compelling operational or personal reasons to the contrary. • However, unvaccinated or unrecovered employees do not automatically have a right to work from home under the new regulations. While the employer can agree to this, it is not obliged to do so nor to facilitate it in the same way as for vaccinated staff. • If an employee does not want to disclose their 3G status or cannot provide proof and is, therefore, not able to perform work on-site/in the office, it needs to be determined whether the employee could work from home. If working from home is not possible, the employee is no longer entitled to remuneration. 	<p style="text-align: center;"></p> <ul style="list-style-type: none"> • As stated, in addition to vaccination, proof of recovery or negative testing also enables employees to access the workplace. • Employers have the right to impose similar checks on others who wish to enter their premises – visitors, clients, contractors, etc. – but are not obliged to do so. • Equally, they can impose an even stricter 2G entry criterion on those third parties, allowing in only the vaccinated and recovered and not those whose reassurance is only a recent negative test result.


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	<ul style="list-style-type: none"> • For the first time, workplace access controls have become mandatory through a new obligation on employees to provide evidence of their status of vaccinated (“Geimpft”), recovered (“Genesen”) or tested (“Getestet”) as a condition of entry to the workplace (so-called “3G evidence”). The new Sec. 28b came into effect on 24 November 2021 and will apply (initially at least) until March 19 2022. It provides for considerably stricter measures under employment and occupational safety laws. • If an employee persistently refuses to provide proof of 3G, termination of employment may be considered as a last resort after one or more warnings/ warnings in advance. Whether termination is appropriate is to be decided on a case-by-case basis in light of the individual facts and circumstances. A right to terminate immediately will exist in the case of deliberate violations of 3G and the access restrictions. • If an employee falsifies the vaccination certificate or a test (and thereby also puts colleagues at risk by concealing a Covid-19 infection when submitting the falsified evidence), termination for good cause with immediate effect may also be considered (as well as criminal prosecution). • The Infection Protection Act provides for a fine of up to €25,000 also for employees who persistently violate the obligation to carry 3G evidence. 		



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Hong Kong	<ul style="list-style-type: none"> • Hong Kong is reopening its border with Mainland China; this is currently targeted to take place in late December 2021. • Other individuals entering Hong Kong from overseas will generally be subject to mandatory quarantine of 14 to 21 days. • Hong Kong has recently banned non-residents travelling from certain countries from entering Hong Kong due to concerns over the Omicron variant. • Mask wearing is generally mandatory. 		 <ul style="list-style-type: none"> • It is not technically mandatory for individuals to be vaccinated. • The Hong Kong government has required its employees to be vaccinated, or to carry out regular testing and pay for the costs themselves. • Quite a few employers have followed the government's approach. • Some employers have also suggested that they will implement a so-called "no jab, no job" policy. This would potentially be lawful if there is appropriate exemption for employees who have a disability, although this issue is evolving and we are yet to have any case law on this matter by way of precedent. • Each case would need to be considered on its particular facts. Employers should avoid adopting a blanket approach on this issue and we would recommend seeking legal advice before dismissing/refusing to hire an individual based on their vaccination status.




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India	<ul style="list-style-type: none"> • Most state governments have issued orders relaxing lockdown restrictions. • Most establishments are permitted to operate with full staff capacity, subject to compliance to Covid-19 safe behaviour (wearing of masks, maintaining social distancing, frequent sanitisation of hands, etc.). • However, with the rise of the new strain (Omicron), the possibility of restrictions being re-imposed cannot be ruled out. 	<div style="text-align: center;"></div> <ul style="list-style-type: none"> • All businesses are allowed to be open, and staff are able to return to the workplace. • However, some employers continue to allow their employees to work from home where possible. 	<p style="text-align: center;">Maybe</p> <ul style="list-style-type: none"> • The national government has not made vaccination mandatory. • However, certain state governments/local authorities in Maharashtra, Tamil Nadu, and Karnataka have required employers to ensure that their employees are fully vaccinated. • Some employers are mandating vaccination as a matter of policy, many others are offering incentives (in the form of cash pay-outs, for instance) to the employees who get vaccinated. • There is no commonly observed industry practice to take disciplinary action against employees who refuse to get vaccinated. • Instead of imposing disciplinary sanctions on any employee who refuses to get vaccinated, employers are assessing if the presence of a particular employee at the workplace is necessary. If not, such employees are asked to continue working from home. • Currently, vaccination status is not an attribute protected by anti-discrimination legislation in India. Therefore, employers may implement a 'no jab, no job policy' in respect of new hires. However, such practice is not common and specific legal advice should be sought before adopting this approach.

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Italy	<ul style="list-style-type: none"> The Covid-19 “<i>emergency state</i>” in Italy is currently scheduled to end on 31 December 2021 (although the government is discussing a further extension in light of the emergence of Omicron). On 15 October 2021, possession of the so-called “<i>Green Pass</i>” became a mandatory requirement to enter the workplace. In particular, the Green Pass is issued to the following categories of persons: <ul style="list-style-type: none"> Subject to certain time limitations, those who have had a complete Covid-19 vaccination cycle Those who have tested negative to a molecular or rapid antigen Covid-19 test, respectively within 72 and 48 hours Those who have recovered from Covid-19 in the previous six months <p>From 15 October 2021 to 31 December 2021, employers must verify that each worker has the required Green Pass.</p> <ul style="list-style-type: none"> Until 31 December 2021, mask wearing is mandatory in the workplace, and in all other enclosed locations other than private homes (with the exception of places where continuous isolation from non-cohabitants is ensured). 	<div style="text-align: center;"></div> <ul style="list-style-type: none"> Working from home is not mandatory and there is no current government advice to work from home where possible – although many Italian workers are still working mainly from home. All workers are allowed to work from their workplace, provided they are in possession of a valid Green Pass. 	<div style="text-align: center;">Maybe</div> <ul style="list-style-type: none"> As of now, the Italian government has not imposed the vaccine on the entire population. Frontline health and social care professionals are required by law to be vaccinated to be in their workplace, save for cases of medically exempt individuals. Starting from 15 December 2021, this obligation is due to be extended also to healthcare administrative staff, faculty, school administrative staff, military, police and public safety forces.



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Poland	<ul style="list-style-type: none"> • Following the emergence of the Omicron variant and due to the exponential increase in Covid-19 cases (fourth wave in Poland), stricter restrictions are imposed nationwide for the period 1 – 17 December 2021. • They mostly concern lower customer limits for shops, sports and religious facilities, and additional quarantine obligations for non-Schengen and some Southern African countries. • Covering mouth and nose in confined spaces is mandatory nationwide and in the workplace: <ul style="list-style-type: none"> – If there is more than 1 person in the room (unless otherwise specified by the employer) – During direct customer service • Malls, gyms, and hotels operate under a sanitation regime, which among other things means limiting the number of customers at any one time. • Work is in progress on regulations allowing an employer to ask an employee if they are vaccinated. 	<div style="text-align: center;"></div> <ul style="list-style-type: none"> • All businesses are allowed to be open. • The employer may order employees to work remotely, subject to certain conditions. • Work is in progress on new remote work regulations to be included in the Labour Code. 	<div style="text-align: center;"></div> <p>At this stage, the government does not anticipate making vaccination mandatory.</p>



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<p>Russia</p>	<ul style="list-style-type: none"> • Each region is entitled to implement local measures and plans depending on the epidemiological situation in that region, because of the difference of spread of infection in different places. • Due to the continuing threat of the spread of Covid-19, local authorities are introducing additional restrictive measures. Local authorities have the power to introduce these additional measures, and the measures taken vary significantly according to the region. We therefore recommend checking the websites of local authorities on a regular basis. • In certain regions, it is mandatory to present the Covid-19 Electronic Certificate when visiting public areas (theatres, restaurants etc.). The Covid-19 Electronic Certificate (which contains a QR-code) is a digital document that certifies that the individual is vaccinated against Covid-19, or has medical contradictions to vaccination and/or has recovered from Covid-19. • Individuals who have been in contact with infected individuals are subject to self-isolation for a period of 14 days. • Social cards of Senior Muscovites (65+) who are not vaccinated are blocked, so they are not able to enjoy the right of free travel on public transport. 	<p style="text-align: center;">Maybe</p> <p>For Moscow:</p> <ul style="list-style-type: none"> • Transfer to remote work of 30 percent of employees is mandatory. • Transfer to remote work of all senior employees (60+) and all employees with chronic illnesses (such as asthma) is also mandatory. • An exception applies for those employees whose presence at the workplace is critically important. 	<p style="text-align: center;"></p> <ul style="list-style-type: none"> • Formally, vaccination is not mandatory (with the exception of certain professions). However, the consistent introduction of restrictive measures for individuals who do not have the Covid-19 Electronic Certificate serves as a strong incentive to be vaccinated. • Almost all regional Chief Sanitary Doctors have issued orders on compulsory vaccination of a certain percentage of employees of specific professions (trade enterprises, educational and medical institutions etc.). • Citizens who do not comply with the requirements of the above order may refuse vaccinations, but in such circumstances, they should usually be suspended from work for the relevant period without pay. • Some employers have also suggested that they will implement a so-called "no jab, no job" policy. This would potentially be lawful, although this issue is evolving and we are yet to have any case law on this matter by way of precedent. Each case would need to be considered on its particular facts. • Employers should refrain from imposing measures that are more stringent than those provided for by the laws and regulations in force as these could be hard to justify as enforceable. • We would recommend seeking legal advice before dismissing/refusing to hire an individual based on their vaccination status.


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Saudi Arabia	<ul style="list-style-type: none"> • As of 1 August 2021, it is mandatory for public and private sector workers to have been vaccinated against Covid-19 in order to attend the workplace. • The government has enforced this rule, and attaining Covid-19 vaccinated status is now mandatory for entry to: <ul style="list-style-type: none"> – All economic, commercial, cultural, entertainment or sporting activities – All cultural, scientific, social or entertainment events – All governmental or private establishments (whether to perform business or audit) – All governmental or private educational facilities (whether to perform business or audit) – Use of public transportation • Employers are required to ask employees to evidence their vaccination status via the Tawakkalna mobile application, which is being utilized in the Kingdom in effect as a “vaccination passport”. 	<div style="text-align: center;"></div> <p>Working from home is only for those who are not vaccinated, provided it is possible for them to work from home.</p>	<div style="text-align: center;"> (for attending the workplace)</div> <ul style="list-style-type: none"> • While employers have the ability to require staff to be vaccinated, this only extends to facilitating the physical return of employees to the workplace. • On 9 August 2021, the Ministry of Human Resource and Social Development advised that employees who cannot work remotely will be required to exhaust their annual leave and go on unpaid leave and thereafter their employment will be suspended pursuant to the provisions of the Labour Law. • As it is (usually) a contractual requirement of employment for individuals to work from a prescribed place of work/at a location and considering this in tandem with the government’s mandatory requirement, employers currently have a good argument that individuals should be required to attend the workplace and therefore undertake vaccination if they have not already. • However, while the legal argument may be weak for any employee to push back on this if they insisted on continuing to work from home in order to avoid vaccination (particularly if they have been and are capable of working from home), an employer would need to consider the reputational/ PR aspects of declining any such ongoing remote working requests for individuals who do not wish to undergo vaccination.


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Singapore	<ul style="list-style-type: none"> • Singapore has just exited the “Stabilisation Phase” which started on 27 September 2021 and ended on 21 November 2021, as a result of the increase in cases from the end of August to September 2021. • The Singapore government is very cautious with reopening plans, and has already announced that there will not be a further relaxation of measures in the near future due to the Omicron variant. • At present, the Singapore government continues to strongly encourage vaccination and the booster vaccination programme is underway – those eligible for boosters may receive boosters five months after completing their second dose of the mRNA vaccine. 	<p style="text-align: center;"></p> <p>Working from home remains the default until 31 December 2021, for employees whose job functions can be performed from home.</p> <p>From 1 January 2022 onwards, only the following employees may return to the workplace:</p> <ul style="list-style-type: none"> • Vaccinated employees • Employees who have recovered from Covid-19 within the last 270 days • Unvaccinated employees with a valid negative Pre-Event Test (the result of such test is valid for 24 hours), administered at an approved Covid-19 test provider 	<p style="text-align: center;"></p> <ul style="list-style-type: none"> • However, from 1 January 2022 onwards, unvaccinated employees will need a valid negative Pre-Event Test result in order to enter the workplace. The test result is only valid for 24 hours. • Where an unvaccinated employee is medically eligible for vaccination but chooses not to be vaccinated, the cost of such test will be borne by the employee.
Slovak Republic	<ul style="list-style-type: none"> • From 25 November 2021, the Slovak Republic declared a state of emergency for 90 days, including a 2-week lockdown (until at least 9 December 2021) during which a curfew is in force from 5 p.m. – 1 a.m. the following day for both vaccinated and non-vaccinated people. • This lockdown also includes closing all non-essential stores, as well as bars and restaurants. Schools and other school facilities should remain open but the schoolchildren should be regularly tested. If the situation does not improve, these measures will be prolonged. 	<p style="text-align: center;">Maybe</p> <ul style="list-style-type: none"> • During the curfew, working from home is strongly recommended by the Slovak government. However, it is not mandatory for all employees. Employees who are not able to work from home due to the nature of their work are allowed to go to a workplace in person. However, they must have confirmation from the employer specifying their working hours and place of work. 	<p style="text-align: center;"></p> <ul style="list-style-type: none"> • Vaccination is not currently mandatory in Slovakia.

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	<ul style="list-style-type: none"> • During the curfew, people can leave their homes only for specific reasons, e.g.: <ul style="list-style-type: none"> – Going to work, if due to the nature of the work, it is not possible to carry out the work from home. In this case it is necessary to have a confirmation from the employer specifying working hours and place of work – Shopping for essential necessities (e.g. purchase of food, meals, medicines, footwear, etc.) at the nearest store/service provider to the place of residence (opening hours are limited to between 5 a.m. – 8 p.m.) – Visiting a medical facility – Undergoing a Covid-19 test or getting vaccinated between 5 a.m. – 8 p.m. – Caring for a close person – Dog or cat walking within 500 m of the residence – Going to/from nursery, kindergarten, school and school facilities between 5 a.m. – 8 p.m., etc. • Wearing a respirator is mandatory indoors and outdoors. However, there are several exceptions where a respirator can be replaced for a facemask or where no nose and mouth cover is required. 	<ul style="list-style-type: none"> • Employees can enter the workplace only if they provide a confirmation of vaccination, a negative Covid-19 test or confirmation of recovery from Covid-19 (employers are obliged to make regular checks). • If the employee does not provide such confirmation, the employer must allow the employee access to free Covid-19 testing. • If the employee rejects such testing, the employer may refuse the employee entry to its premises and the employee will not be entitled to be paid. 	

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<p>Spain</p>	<ul style="list-style-type: none"> • Entry requirements to Spain have been tightened due to concerns over the new variant, Omicron. Travellers from high-risk countries will need to present proof of being fully vaccinated or a Covid-19 recovery certificate, as well as a certificate of a diagnostic test for SARSCoV2 with a negative result. The following diagnostic tests are admissible: <ul style="list-style-type: none"> – NAAT- nucleic acid amplification tests (e.g. RT-PCR) with sampling within the previous 72 hours to arrival in Spain – RAT-rapid antigen test, with sampling within the previous 48 hours to arrival in Spain • Due to the new variant, the Spanish regions are considering the implementation of new restrictions. • The vaccination certificate requirement for access to certain premises, which was already in force in several regions, is being extended to others. • The use of facemasks is required indoors and when the minimum social distance of 1.5 metres cannot be observed. • Furlough schemes have been extended until February 2022. 	<p style="text-align: center;"></p> <p>Working from home is not required, employees can return to the workplace.</p> <p>Working from home is considered as an ongoing preventive measure for the protection of employees.</p> <p>Therefore, if it is possible to ensure employees' health and safety through other alternative measures (i.e. wearing facemasks or guaranteeing social distance) it is not necessary to implement working from home measures.</p>	<p style="text-align: center;"></p> <p>Having the vaccine is not compulsory in Spain. The vaccine is administered for free and voluntarily through the National Health System.</p>

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<p>United Arab Emirates</p>	<ul style="list-style-type: none"> • Mask wearing continues to be mandatory across the UAE save for those under two years of age, those with respiratory problems and those with a severe disability but they can now be removed in certain open areas. • Social distancing has generally been reduced to 1 metre. • To enter a federal government department, unvaccinated people must present a negative PCR test result received within the last 48 hours. • Hotels have returned to full occupancy, while entertainment venues have capacity limits of 70 per cent (up from 50 per cent). The number of people who can sit at one table is 10 for restaurants and six at cafes. • International travellers to the UAE are required to show a negative Covid-19 PCR result prior to departure and may need to take a second PCR test and quarantine upon arrival and travel from some countries is restricted entirely. • Vaccinated travellers arriving into Abu Dhabi from international destinations are now not required to quarantine if the final vaccine dose was administered at least 28 days before traveling to Abu Dhabi. Visitors arriving from a green list country do not need to quarantine upon arrival, regardless of their Covid-19 vaccination status. Otherwise, it is a 10-day quarantine period for those arriving into Abu Dhabi. 	<p style="text-align: center;"></p> <p>All businesses are allowed to be open and staff are able to return to the workplace provided Covid-19 protocols are followed.</p>	<p style="text-align: center;"></p> <ul style="list-style-type: none"> • There is no UAE Federal law requiring mandatory vaccination. However, in general, entry to various locations and events (and even schools for teachers and those over 16) requires proof of vaccination other than for those who are exempt. Also in Abu Dhabi a number of government circulars have been issued to both public and private sector employers as 'soft' encouragements to employers to require staff to take the vaccine. • In the absence of any such mandatory requirement, any dismissal by an employer of an employee who refuses to have the vaccine would amount to an arbitrary dismissal attracting up to three months' full pay as compensation. • Whilst employers cannot mandate vaccinations as a condition of physical return to the workplace, a weekly testing programme could, as an alternative be implemented. However, the costs of such testing would need to be borne by the employer. • Each case would need to be considered on its particular facts. Employers should avoid adopting a blanket approach on this issue and we would recommend seeking legal advice before dismissing/ refusing to hire an individual or requiring regular testing based on their vaccination status.

Jurisdiction	General Status Update, Trends and Themes	Is Working From Home Required?	Is Vaccination Mandatory?
	<ul style="list-style-type: none"> Entry to some public places in the UAE (and particularly in Abu Dhabi) is limited to those vaccinated, officially exempted or aged under 16 years, as part of continuous efforts to protect health and safety. In Abu Dhabi to gain access to specified public places, individuals will need to present the Alhosn app to show their 'green' status. Those who are vaccinated must also receive a negative PCR test result every 30 days to maintain 'green' status and those officially exempted must receive a negative PCR test result every 7 days to maintain 'green' status. Entry to events also requires 'green' status plus a negative PCR test result received within 48 hours prior to the event. 		
<p>UK</p> <p>*Please note: this guide sets out the position in England. Different rules may apply in Wales, Northern Ireland and Scotland.</p>	<ul style="list-style-type: none"> The self-isolation rules were relaxed in August 2021, meaning that all those who are fully vaccinated and the under 18s are generally exempt from the requirement to self-isolate. However, as a result of the emergence of the Omicron variant, these rules have been amended for anyone who is a direct contact of anyone who may have been infected with the Omicron variant – these individuals must self-isolate for 10 days, regardless of age or vaccination status. Following the emergence of the Omicron variant, as of Tuesday 30 November 2021, mask wearing is now required again. Unless exempt, face coverings must be worn in shops and on public transport. Face coverings should be worn in communal areas of universities, colleges and schools by staff, visitors and pupils or students in year 7 and above. 	<p style="text-align: center;"></p> <ul style="list-style-type: none"> All businesses are allowed to be open and staff are able to return to the workplace, rather than being advised to work from home where possible. The relaxation of restrictions has not, however, led to a wholesale return to the office with many continuing to work from home for all or some of their working week, particularly in light of rising case numbers. 	<p style="text-align: center;">Maybe</p> <ul style="list-style-type: none"> In terms of governmental mandate, since November 2021, vaccination has been compulsory in England for those working or volunteering in registered care homes, unless medically exempt. Legislation making vaccination a requirement for frontline health and social care workers is expected to come into force on 1 April 2022. Some employers have also suggested that they will implement a so-called "no jab, no job" policy. This would potentially be lawful, although this issue is evolving and we are yet to have any case law on this matter by way of precedent. Each case would need to be considered on its particular facts. Employers should avoid adopting a blanket approach on this issue and we would recommend seeking legal advice before dismissing/refusing to hire an individual based on their vaccination status.

Jurisdiction	General Status Update, Trends and Themes	Is Working From Home Required?	Is Vaccination Mandatory?
	<p>All eligible adults in England aged 18 and over will be offered a Covid-19 booster vaccine by the end of January.</p> <ul style="list-style-type: none"> The red list for travel had been closed, but has been reopened this week. Individuals travelling from Angola, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, South Africa and Zambia may only enter England if they are a UK or Irish resident. They must quarantine in a managed hotel on arrival and take two Covid-19 tests. 		
<p>USA</p>	<ul style="list-style-type: none"> On 9 September 2021, President Biden announced a Covid-19 action plan, called the “Path Out of the Pandemic.” This strategy focuses on vaccinating the unvaccinated, further protecting the vaccinated, keeping schools open, promoting testing and masking, and taking steps to protect the US’s economic recovery. As part of this plan, the strategy also includes taking action at the federal level to require all US employers with 100 or more employees to ensure that their employees are vaccinated or regularly tested; that federal employees and contractors that do business with the federal government are vaccinated; and that employees at healthcare facilities covered by federal health programmes are vaccinated. Employers should actively monitor developments at the federal and relevant state levels as the legal challenges to employer vaccination mandates move through the courts. 	<p style="text-align: center;"></p> <p>No federal or state laws require that employees work from home.</p>	<p style="text-align: center;">Maybe</p> <ul style="list-style-type: none"> In November 2021, the US Occupational Safety and Health Administration (OSHA) announced an Emergency Temporary Standard (ETS) that would require all private sector US employers with 100 or more employees either to adopt a mandatory vaccination policy or to require that unvaccinated employees submit to weekly testing and wear face coverings in the workplace (subject to a requirement to provide reasonable accommodations for employees who cannot/ will not be vaccinated due to medical/disability or religion-related reasons). Portions of the ETS were to go into effect on 5 December 2021, with the testing requirement to be effective on 4 January 2022. However, after legal challenges were filed nationwide, a federal appeals court stayed the implementation and enforcement of the ETS pending court review. At this time, whether and when the ETS will go into effect, and whether it will go into effect as drafted or with modifications, is unknown.

Jurisdiction	General Status Update, Trends and Themes	Is Working From Home Required?	Is Vaccination Mandatory?
			<ul style="list-style-type: none"> • In addition to the ETS, in September 2021, President Biden issued two Executive Orders relating to employee vaccination requirements. The first, EO 14042, directs federal contractors and subcontractors to require that all employees be vaccinated by 4 January 2022 (subject to the obligation to provide medical/disability and religious-based accommodations). EO 14043 similarly requires that employees of the federal government be vaccinated (subject to accommodations). • In addition, the US Centers for Medicare & Medicaid Services (CMS), acting on the instructions from the White House, released an Interim Rule on 4 November 2021 that requires that by 4 January 2022, employees working at healthcare facilities that participate in Medicare and Medicaid programmes be vaccinated. Like the ETS, these Executive Orders and the CMS rule are currently being challenged in court, and thus their status remains uncertain. • In addition to the actions taken at a federal level described above, a number of states, including Florida, Utah, and others, have passed laws or had Executive Orders signed by their Governors that purport to prohibit an employer in that state from requiring vaccination as a condition of employment. Because these state laws would appear to conflict with federal law, under the Supremacy Clause of the U.S. Constitution, they may well be pre-empted by the ETS, Executive Orders, and Interim Rule. • However, as is the case with the federal actions, these state laws are also being challenged in court, leaving the only certainty with respect to employer vaccination requirements to be uncertainty.

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Further Resources

Global Edge

As businesses become more global, in-house lawyers and HR professionals are finding it increasingly difficult to keep on top of key employment laws and developments in the countries where they do business. In collaboration with our global network of preferred specialist labour and employment lawyers, we developed [Global Edge](#). Global Edge is the next level of legal innovation, where design, technology and legal knowledge merge into one, helping multinational companies save time and money when researching foreign employment law requirements.

- 39 countries
- Up to 29 key topics per country
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- Mobile compatible

[Watch the Global Edge video](#)

Global HR Audit

[Global HR Audit](#) is a free, simple to use, innovative tool that helps employers determine the HR documents and policies they should have in 29 countries around the world as well as any they should consider having on a global basis. It enables businesses to pinpoint quickly the documents and policies they need in each jurisdiction of operation, as well as those they may wish to consider if they are aiming to go beyond just compliance. The list of mandatory, strongly recommended and ‘nice to have’ HR documents and policies contains further links to [Global Edge](#) where further information on the topics can be found.

Employment Law Worldview

Our [Employment Law Worldview blog](#) aims to interest and educate, stimulate discussion, provoke and sometimes just amuse, with global insight into practical and legal issues relevant to employers everywhere.

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