



Answers to frequently asked
questions about

CORONAVIRUS

What employees need to know now

**Your local office is there for you –
even in these difficult times:**

<https://www.igmetall.de/vor-ort>



Dear Colleagues,

We are currently experiencing a situation such as we have never experienced before. That, of course, raises a whole lot of questions. We have compiled and answered them for you.

How infectious is the virus? How can we protect ourselves? And what rights and obligations should employees be aware of in connection with coronavirus?

Normal life goes on, with certain restrictions depending on the situation. The key now is to remain aware, look out for yourselves and others and exercise a little more caution and restraint.

Anyone needing personal advice is welcome to contact their local IG Metall office as before.

Solidarity and diversity are our strengths – especially in times like these

Your IG Metall is there for you.

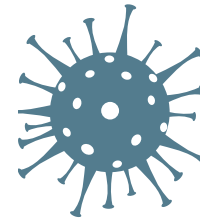
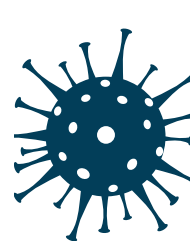
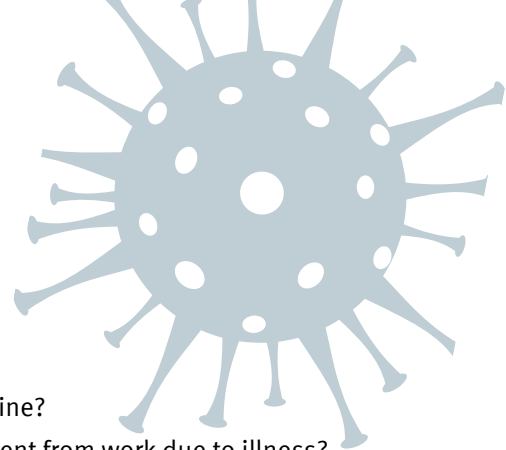
Stay healthy.

Johann Horn
District Secretary, IG Metall Bavaria

IG Metall is the largest independent trade union in the world.

With 2.3 million members, it campaigns successfully for the interests of employees – and has been doing so for more than 125 years.

It is also a trade union of immigrants and their offspring: almost half a million of our members have a migration background. It has been making an important contribution to democracy and co-determination for many generations.



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FAQs about the workplace

Am I allowed to stay away from work for fear of infection?

No. Employees are only allowed to stay away from work if they are actually unable to work. If that is not the case, they are obliged to work.

I am ill. Do I have to go to a doctor to get a sick note?

Not necessarily: from now on, workers with mild illnesses of the upper respiratory tract can consult their doctor by telephone and be issued with a certificate documenting their inability to work for a maximum of 14 days. They do not need to visit the doctor's practice to obtain one. This is what the National Association of Statutory Health Insurance Physicians (Kassenärztliche Bundesvereinigung, KBV) and the National Association of Statutory Health Insurance Funds (GKV-Spitzenverband) have agreed on.

The rule applies for employees who are suffering mild illnesses of the upper respiratory tract and do not have severe symptoms or meet the criteria laid down by the Robert Koch Institute (RKI) for suspected infection with COVID-19. This rule applies until 23 June 2020 only.

Am I entitled to have my wages continue to be paid while in quarantine?

Workers do not have any right to continue receiving pay from their employer while in quarantine. Only if they are unable to work would the employer be obliged to continue paying their wages. However, employees will receive compensation to the amount of their salary. Technically the entitlement is to compensation from the regional authority which ordered the quarantine. To ensure that workers get their money with as little interruption as possible, however, employers have a duty to pay the compensation in advance – for a period of not more than six weeks. If the employer does not make advance payments, perhaps because they refuse to do so, workers can take their claim for compensation directly to the Landesamt, the State Office.

Can employers order additional overtime if many colleagues are absent from work due to illness?

Overtime can only be ordered with the consent of the works council or – where there is none – with the consent of the worker, if the employment contract does not provide for the performance of overtime. A duty to perform overtime otherwise only exists if there is a serious threat of financial loss. In this case workers can in good faith be expected to respond accordingly. Since the duty to pay a supplement for overtime is only laid down in collective agreements, where no such collective agreement exists the supplement must be agreed separately.

Can my employer prohibit me from wearing a respiratory mask?

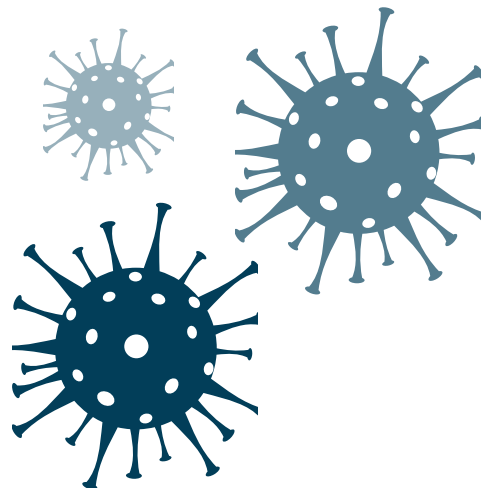
An employee should generally behave with consideration for others or in order to protect their own health. There is no reason to prohibit mouth protection.

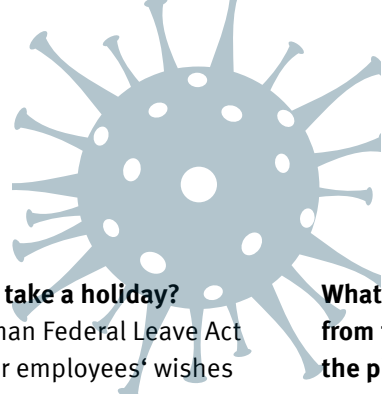
Can employers send sick workers home?

Yes. If they are already unable to work, the employer must release them from their duty to work, whatever the illness. In the case of an infectious illness, this also arises from their duty of care to healthy colleagues.

Do employers have to provide disinfectants or respiratory protection?

There is no such duty at the moment. It is in their own interests, though, to limit possible means of transmission.





Can an employer force workers to take a holiday?

According to section 7 of the German Federal Leave Act (BUrlG), employers must take their employees' wishes into consideration when determining the dates holidays are taken, unless this conflicts with urgent operational requirements or with the holiday requests of colleagues whose protection takes priority. The employee cannot, therefore, simply be unilaterally compelled to take a holiday. If the employer imposes a holiday without the employee having requested it, the employee can object by refusing to accept it and instead demanding a holiday at a later date if the holiday can still be granted by leave of absence and this does not conflict with urgent operational requirements or with the holiday requests of other employees. The principles for the granting of leave must be agreed with the works council.

Can an employer compel workers to reduce overtime hours?

This depends on the particular works agreement. Standard flexitime arrangements usually provide for a certain quota which must be available to the employee.

Can the employer agree company holidays?

Employers can agree company holidays with the works council. As well as the areas affected, the duration must also be agreed with the works council. If there is a loss of work, the works council could also agree short-time working with the employer.

I have my annual leave in April and have already booked the trip. Now I can't travel because of coronavirus. Can I cancel the leave that had already been approved?

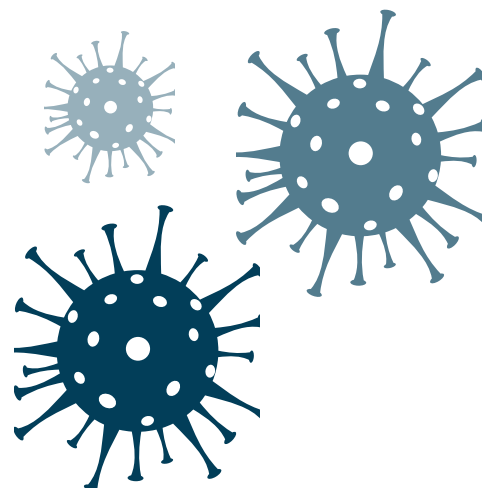
Unfortunately, the fact that you are currently unable to enjoy your holiday does not give you any right to demand that your employer annul the leave already approved. Your employer owes you leave of absence from work, but is not responsible if you are unable to spend your holiday as planned. There is no „right to cancel“. You are therefore reliant on the goodwill of your employer.

What happens if our company is suffering massively from the effects of coronavirus? My boss wants to close the plant temporarily and send the workforce home. Is he allowed to do that?

If the employer decides to close the plant temporarily on their own initiative, they can of course do so. In this case, though, the employer must continue to pay the workers' wages (section 615 of the German Civil Code, BGB) and is not allowed to tap into their working time accounts without express agreement. Employers are not allowed simply to send workers home without pay. In fact, the employer carries what is known as the business and financial risk, even if the employment is unprofitable (section 615 3rd sentence BGB).

My employer has made me redundant „due to coronavirus“ – what do I need to know?

Any redundancy must be socially justified if it is to be lawful. In other words, it needs to be based on objective reasons. The current crisis is not automatically such a reason. You should not, therefore, simply accept the redundancy, but always have it checked for lawfulness. It is important to know that any complaint against the redundancy must reach the labour court within three weeks – and this applies even in the coronavirus outbreak. In exceptional circumstances, complaints may be brought later if the employee is hindered from bringing the complaint within 3 weeks despite taking all the reasonable care that can be expected in the circumstances. This application is only permitted within 2 weeks of removal of the hindrance, and can no longer be made once 6 months have elapsed since the time limit ended (section 5 (3) of the German Protection Against Unfair Dismissal Act, KSchG).



My employer has made me redundant, and I signed a document I didn't understand.

Have your redundancy checked to see if it is lawful. You do not have to accept redundancy if it is unjustified or flawed, even if it was given verbally or without notice. You can bring a complaint to the labour court, but you only have 3 weeks from the date you received the redundancy notice in which to do so!

Contact your works council or colleagues at your local IG Metall office.

You can find more information about the subject of redundancy at

<https://www.fair-arbeiten.eu/de/article/15.kündigung.html>



Whether you received a redundancy notice or signed a document that your employer presented to you, get in touch with your works council or local IG Metall office without delay.

If you are on a low income, you can ask your local court for what is known as a Beratungshilfeschein. This is a voucher covering almost all of a lawyer's initial consultation fee.

You must register as a job-seeker at the employment agency or job centre. In light of the current situation, you can also do this by telephone or via the internet – you don't need to go there in person.

<https://www.arbeitsagentur.de/eservices>



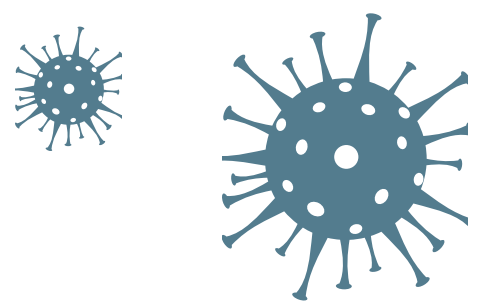
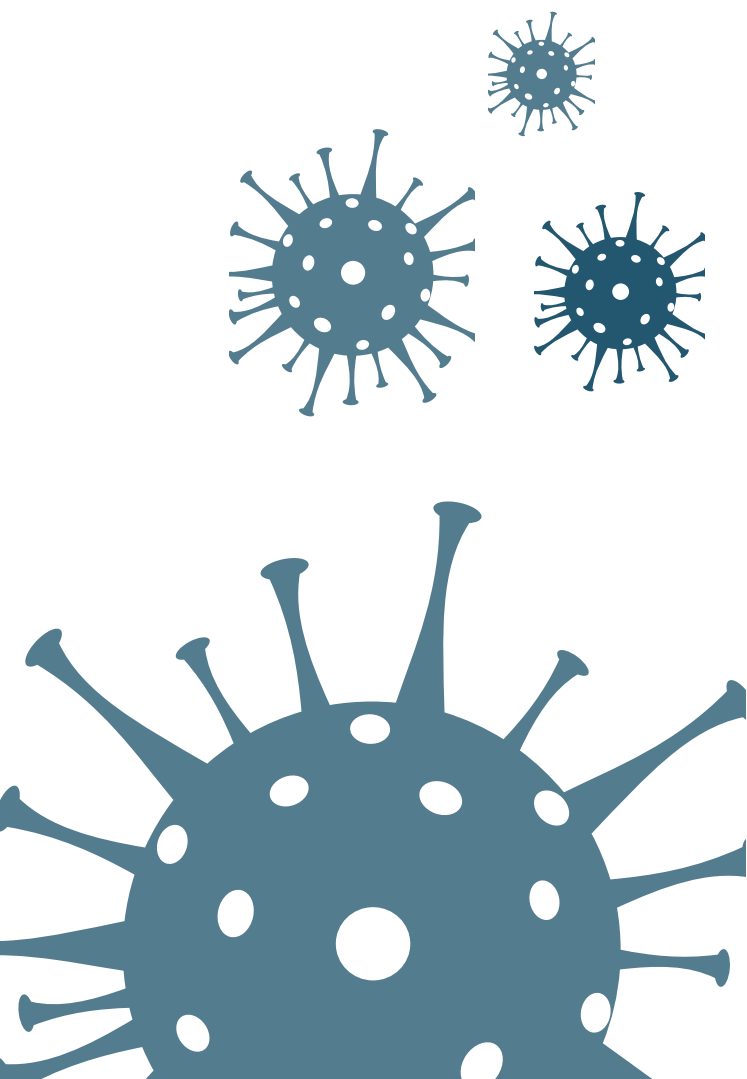
I am living in a flat that is rented from my employer.

Do I have to leave the flat if my job is terminated?

No! You can only be forced to vacate your flat if the court has given such an order. In addition, there are restrictions on travel at the moment. Do not under any circumstances leave your accommodation voluntarily, as you will then be homeless and no longer have a right to return. This applies even if you only have a verbal letting agreement. If you are put under pressure, get in touch with an advice bureau or the police!

The relevant authorities have put my plant under quarantine and required it to close. Will I continue to get my wages even though I myself am not ill?

Yes, you will continue to receive your pay. The German Protection Against Infectious Diseases Act (Infektionsschutzgesetz) regulates who is responsible for making up the shortfall in the event of coronavirus.



No school & no daycare for children – What parents need to know

Are working mothers and fathers allowed to stay at home with their children?

Working parents are in principle responsible for ensuring that their children are looked after. A lack of childcare does not in itself allow them simply to stay at home. If, however, they have demonstrably tried to find childcare but have not had any success and they cannot reasonably be expected to leave their children on their own – this applies for children below the age of 12 (analogously with section 45 of Book V of the German Social Code, SGB V) – then they can make use of their right to refuse performance (section 275 (3) BGB). Given the nationwide closure of schools and daycare facilities, such a right should generally be allowed.

What about payment?

Whether the continued payment of wages is possible on the basis of section 616 of the Civil Code („temporary hindrance“) is the subject of debate among lawyers. The clause states that anyone who is prevented from going to work through no fault of their own and for a personal reason continues to receive their pay. However, this presupposes that employees have already made intensive efforts to find alternative options for childcare provision. Section 616 does not, though, guarantee continued payment – not even on a pro rata basis – for a long-term hindrance such as that potentially caused by schools being closed for weeks on end. In addition, there are many clauses in collective agreements and employment contracts that flesh out the rather woolly wording of section 616 BGB („for a relatively trivial period of time“) so that one day of paid leave is allowed for moving house, marriage, etc. Tip: If a company bound by a collective agreement allows paid leave of absence in these specific circumstances, this is an indication that section 616 BGB will not be considered a basis for the continued payment of wages in the case of the coronavirus pandemic.

What are parents advised to do?

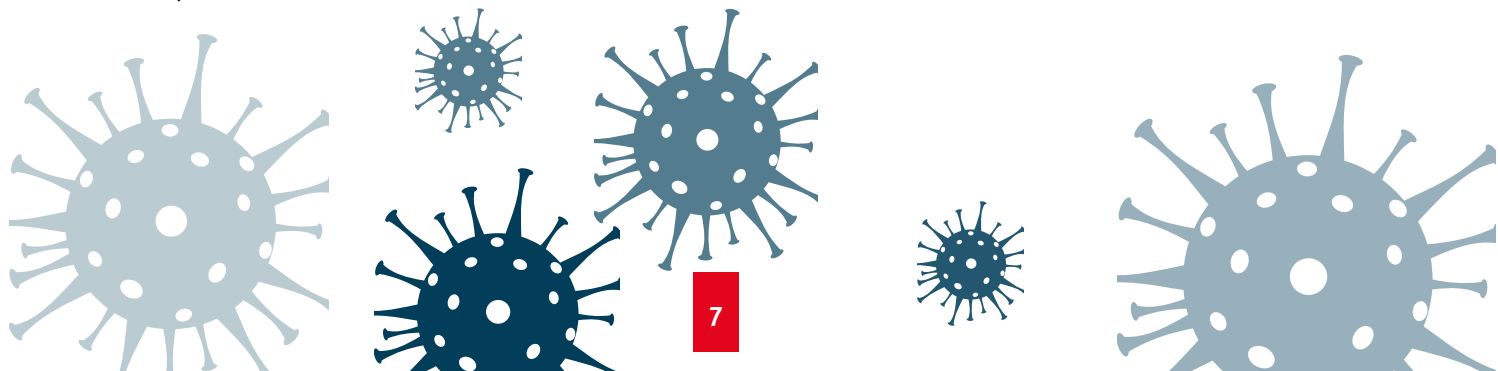
Given the uncertain legal position, parents should not rely solely on the goodwill of their employer, but instead contact their works council so that an amicable arrangement can be brought about in the business. In case of doubt, parents will have to draw into their positive working time balance. Alternatively, they can ask their employer for leave of absence, but there is no guarantee they will get paid. NEW: The German parliament has decided that the state will intervene in certain circumstances, making up at least some of the loss of earnings. Those who have to stay at home and are unable to work due to lack of childcare are to receive 67 per cent of their net income. This is about replacing lost earnings, according to the revised legislation. Payments will be made for not more than six weeks and up to a maximum amount of EUR 2,016 per month.

How can parents solve the childcare problem if the grandparents belong to one of the groups at risk?

Even with the current closures of schools and daycare facilities, working parents are still responsible for arranging care for their children; this is best done in dialogue with their employer. If the grandparents are unable to look after them, this could constitute an obstacle to performance (section 275 (3) BGB), because often it is unreasonable to leave the child alone at home. Section 45 SGB V („sick pay if a child is sick“) assumes an age limit of the child’s 12th birthday, although the situation is different if the child has a disability. (On payment, see above: What about payment?)

Can I work in a home office or from home?

Employees should discuss the issue of working at home with their employer. There are solutions in collective agreements and in companies. There is no general right to work in a home office. Again, workers should contact their works council.



Am I allowed to take my child with me to work?

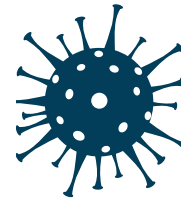
You have no right to take your child or children with you to your office or company. This can only be done by agreement with your employer. It also goes against the advice of health experts to reduce social contact to a minimum.

You must do everything you possibly can to find alternative childcare options. This is often difficult, especially with small children. You should discuss this with your employer as soon as possible and consider together

whether it would be possible to work from home instead, for instance.

If the child is ill, the usual rules apply: employees can take leave of absence if their child is ill. The health insurance company will then pay sick pay for 10 days, or 20 days in the case of single parents.

For a short period of a few days, the employer will continue to pay the employee's wages unless this is excluded in the employment contract or collective agreement.



FAQs on the closure of job centres and employment agencies

How do I get my money from job centres and employment agencies?

The payment of benefits has been safeguarded. Contact options will be created locally for emergency situations. The organisations will announce these options in the regional press and on the internet.

You can apply for unemployment benefit I and make a new application for unemployment benefit II online.

<https://www.arbeitsagentur.de/eservices>



How do I register as unemployed?

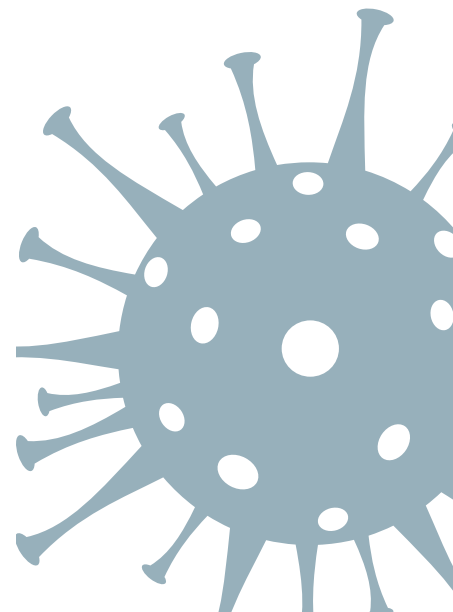
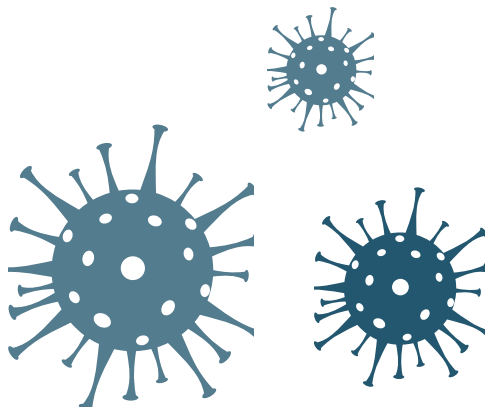
Anyone in this situation can register as unemployed by telephone. You will then be sent an application form for unemployment benefit.

Do I have to cancel appointments?

No. Citizens do not have to cancel agreed appointments, either by telephone or by mail. There are no disadvantages, no legal consequences and no sanctions. Set deadlines will be extended for the time being. Customers will receive notification in good time if these rules change.

Further information and online application forms can be found at

www.arbeitsagentur.de/corona



General questions and answers

How infectious is the virus?

It is very infectious. The methods of transmission are droplets from sneezes and wet and dry coughs by an infected person in close proximity (within one metre). The virus can also last for several days on surfaces such as door handles, lift buttons and keypads on bank ATMs. It can last up to nine days on plastic! According to the Robert Koch Institute, scientists are currently assuming an incubation period – the phase from infection to the outbreak of the disease – of up to 14 days. In other words, anyone who is infected can infect others for two weeks without even being aware of the illness.

Can imported goods or packages from regions where the virus is widespread be sources of infection?

Whether a package or goods from regions hit by the coronavirus outbreak can act as carriers of SARS-CoV-2 depends on the duration of transport. Studies show that the virus survives for up to five days on cardboard. Anyone wanting to be sure should disinfect packages using cleaning agents designated as having „limited virucidal“ (effective against enveloped viruses), „limited virucidal PLUS“ or „fully virucidal“ effect and wash their hands immediately afterwards.

What are the stay-at-home restrictions in Bavaria about?

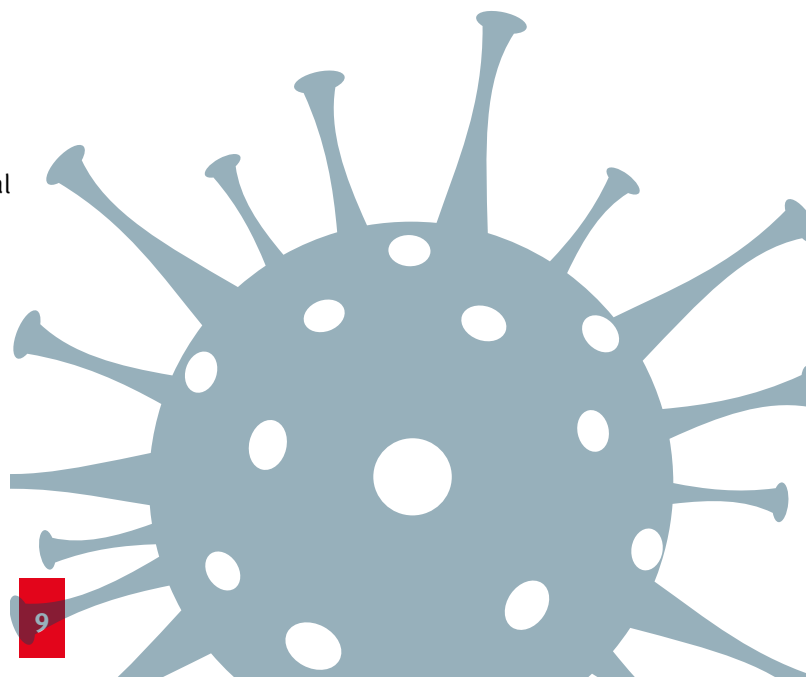
From 00.01 on Saturday, 21 March 2020, Bavaria is subject to stay-at-home restrictions provisionally lasting until 4 April 2020. Briefly, this means the following:

1. Only leave your home if this is absolutely essential.
You are allowed to
 - ▶ go to work;
 - ▶ go out to buy food and items of daily necessity (i.e. drinks cash-and-carry stores, pharmacies, withdrawing money from the bank, post office, etc.);
 - ▶ go out for medical appointments and pharmaceutical supplies;
 - ▶ make essential visits to close relatives and other family members, especially if it is to provide care.

2. While you are allowed to leave your home in your free time in order to take exercise, walk the dog or do sport, you can only do so on your own or with your family, not in larger groups. Always keep a minimum distance apart. The recommended distance is 1.5 metres!
3. Cafés, restaurants, DIY stores and hairdressers are closed. Only shops offering meals as takeaways, for delivery or at drive-in counters remain open.
4. Visits to retirement, nursing and care homes are prohibited. Hospital visits are only allowed for fathers wanting to be present at the birth of their child, parents wishing to accompany their sick children or close relatives wanting to be with a terminally ill patient.

For updated and more comprehensive information on the general order imposing stay-at-home restrictions in Bavaria and on possible extensions to the validity period, see:

<http://q.bayern.de/ausgangsbeschraenkung-bayern>



How can I lower the risk of infection for both me and others?

Wash your hands. Do this thoroughly several times a day using soap and hot water, including the fingers and right up to your wrists. Then dry your hands well. Wash your hands especially after returning home or arriving at your place of work, after visiting the toilet, before meals, before and after preparing food, and before and after contact with anyone who is ill.

Sneeze or cough into the crook of your arm or a disposable tissue. Dispose of tissues straight away. Anyone who sneezes or coughs into their hand will spread pathogens when shaking hands or touching door handles. Keep your distance when greeting others. It is better to avoid hugs or handshakes. Watch out for smear infections! Touch your face as little as possible so that viruses do not jump from your hands to the mucous membrane and into your respiratory tract.

Use the right disinfectants. According to the Robert Koch Institute, anyone wanting to use disinfectants for surfaces or hands should make sure they are designated as having „limited virucidal“ (effective against enveloped viruses), „limited virucidal PLUS“ or „fully virucidal“ effect. Keep your distance. Keep one to two metres away from people who are showing symptoms of a cold.

Stay healthy.



Become a member

IG Metall is a strong trade union that supports and campaigns for its members. From legal protection in employment and social matters to fair wages and salaries, we offer a personal and reliable service for our members.

Here you can apply online to become a member:

https://www.igmetall.de/download/20180906_Beitrittserklaerung_EN_PDF_4451be16b45c88175680b49a-6444d15e4dd75b53.PDF



Don't have a printer to hand, can't get online access either, and want to find out more about IG Metall first as well? Then just give us a call. The colleagues in your local office will be delighted to hear from you and happy to help.