

**IMPLICATIONS OF THE COVID-19
AT THE WORKPLACE**
Republic of the Congo

CORONAVIRUS AND COVID-19

Coronaviruses are a large family of viruses which may cause illness in animals or humans. In humans, several coronaviruses are known to cause respiratory infections ranging from the common cold to more severe diseases such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS).

COVID-19 is the infectious disease caused by the most recently discovered coronavirus. This new virus and disease were unknown before the outbreak began in Wuhan, China, in December 2019. This disease was recently declared as a pandemic by the World Health Organization.

Pursuant to the most recent information, the number of infected people worldwide amounts to 208,000, with cases reported in 140 countries. From the total infected population, more than 80,000 persons have been declared fully recovered. Congo has reported one positive case, so far, on 14 March 2020.

RIGHT TO A SAFE WORK ENVIRONMENT

Until this moment, the Congolese government issued Information Notes and press releases but no specific legislation has been adopted on the COVID-19 outbreak. Precautionary sanitary measures have been determined by resorting to public health urgency mechanisms in place.

As a general principle, the Congolese Labor Code (Law no. 45-75, of 15 March 1975 modified by Law no. 6-96, of 6 March 1996 – “CLC”) mandates that all employers must adopt and strictly enforce measures on safety, health and hygiene at work.

The duties mentioned above entail that employers must be particularly alerted to risk assessments and any factor related to infection and contamination of the work environment. In the context of the COVID-19 outbreak, companies should thus consider:

- circulating information on COVID-19 symptoms, the actions aimed at preventing the spread of the disease, especially related to good hygiene practices and provide any necessary equipment to facilitate this, such as hand sanitizers and masks;
- increase routine cleanings, particularly in high-traffic or common areas, spacing workstations, increase remote-work capabilities and modify visitor policies;
- the existence of isolation rooms in the facilities to the extent possible;
- the definition of procedures to inform the health authorities and employee’s families should be implemented, so as to allow for the application of all public health actions and provide for the best care possible; and,
- request employees to provide company with information if they have traveled to infected areas/countries and in that case should remain at home for a 14-day period.

MAIN IMPLICATIONS OF THE COVID-19 OUTBREAK IN THE EMPLOYMENT RELATIONSHIPS

The labor laws do not have a particular provision on the implications of public health measures on the workplace. However, this topic is indirectly regulated in multiple CLC's provisions that entail a large set of implications of the COVID-19 outbreak in the employment relationships:

- **Sick Leaves** – The immediate implication of the infectious disease caused by COVID-19 is the need for the infected employees to go on sick leave. The CLC here provides for different rules for the temporary suspension of the employment contract. The implications are at the level of potential loss of salary and employer's duty to continue to remunerate the sick employee, duration of the leave and possibility to terminate the employment relationship.
- **Family Leave** – COVID-19 may entail the need for an employee to render assistance to infected spouse or underage children. The implications here are also at the level of period the leave and the potential loss of salary.
- **Remote Work or Teleworking** – Despite the total silence of the CLC on remote working, the implementation of this work scheme is possible either as a result of employer's unilateral decision or through company's internal policies. The use of work tools, attendance and compliance with working time limits and overtime legislation needs to be regulated in order to accommodate the CLC's provision on each topic and the general silence on telework.
- **Suspension of the Employment Relationships** – The CLC sets out that any temporary force majeure circumstance hindering company's operations and/or the performance of work by employees may entail the suspension of the employment relationships. The implementation of the suspension requires compliance with a statutory procedure before the Labor Inspectorate and the relevant employees.
- **Redundancies** – The last resort mechanism under the CLC is the formal redundancy of the employees should it be concluded that the company's operations and/or the non-performance of work by employees results to the loss of work positions. Employers are authorized to make all or part of their employees redundant pursuant to a specific procedure before the Litigation Committee of the Labor Inspectorate for either individual redundancies or collective dismissals (more than 1 employee) and payment of a severance compensation.

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