

Germany

General remarks:

- In Germany there is no national general shut-down. Civil protection is in the competence/responsibility of the different states ("Bundesländer"). The "Bundesländer" have taken different measures.
- Unless there is a specific, objective risk of infection employees have to come to work. There is no general claim on working from home, unless agreed otherwise in an employment agreement or collective agreement.

Is the employer obliged to pay the salary even though the employee is not working due to

- ... a corona infection: In case the employee is infected with Corona, he is ill and the normal rules on continuation of remuneration in case of illness ("sick pay") do apply (sick pay up to 6 weeks, after this sickness allowance is paid by the health insurance)
- ... quarantine: If the employee is subject to an official quarantine the employer has to pay remuneration up to 6 weeks. The employer can claim reimbursement from the competent authority. This does not apply to "please stay at home after ski-holidays"-situations. This case is probably not deemed as an official quarantine.
- ...childcare: If an employee has to stay home with his/ her kids the employee is allowed to stay home. He is entitled to continuous remuneration "temporarily". "Temporarily" means about a week. After this the employer is not obliged to pay remuneration. Employees can use paid vacation days,
- ...close-down of the business by the competent authority: The employer has to pay remuneration. It is his "risk". The same applies if the employer closes down the business voluntarily or in case there is no more business as people do not go to shops, restaurants etc. anymore. In all these cases the employer is obliged to pay remuneration although the employee is not working.

Please find more information in English here <https://www.bmas.de/EN/Services/Press/recent-publications/2020/coronavirus-questions-relating-to-labour-law.html;jsessionid=D5D77AB08E6A0196CBC4D695EBE2E6C7>

Solutions?

Please find information on the planned measures in the attached pdf-document.

- "Kurzarbeitergeld": You mentioned the reduction of hours without pay covered by public social benefits. This tool exist in Germany as well and is called "Kurzarbeitergeld". Due to the Corona-crisis the requirements for such state benefits have been lowered. An employer can reduce hours without pay and apply for state benefits if 10% of the employees of a company are affected by the reduction. The state benefits does also cover all social security contributions.

[1]

There is an online application form (unfortunately not in English)

(<https://www.arbeitsagentur.de/news/corona-virus-informationen-fuer-unternehmen-zum-kurzarbeitergeld>).

- Temporary release from work (unilaterally and without notice) to consume any existing overtime entitlements
- Only upon agreement with the employee: Using paid vacation days
- State loan: The ministry of economics announced that there will be unlimited state loans for companies with financial difficulties due to the Corona crisis. Please find more information in English here <https://www.kfw.de/KfW-Group/Newsroom/Latest-News/KfW-Corona-Hilfe-Unternehmen.html>
- Dismissals are possible as dismissals for operational reasons, where jobs are eliminated *permanently*. Permanently does also mean for a significant period. The company must carry out a social selection between the affected employees.

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