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Health & safety requirements in the workplace

The outbreak of Coronavirus COVID-19 has wide-ranging implications for businesses, governments and institutions across markets and industries. This newsletter prepared by our Legal Team contains information on the potential impact this pandemic may have on your businesses.

BOGA & ASSOCIATES has established a dedicated *directline* service, available to our clients and business partners. You can contact our dedicated COVID-19 Legal Team at our *directline* by clicking [here](#).

HEALTH & SAFETY REQUIREMENTS IN THE WORKPLACE IN THE CONTEXT OF COVID-19

Ministry of Health and National Institute of Public Health of **Kosovo** has published on 04 May 2020 Interim Guidelines for the Application of Measures for Prevention and Combat of COVID-19 to be used by Public and Private Institutions in Kosovo (the “**guidelines**”).

Recommendations for employers in addressing COVID-19

The guidelines provide for following recommendations to employers:

- Actively encourage sick employees to stay home. In this regard:
 - i. Employees who have symptoms (e.g., fever, cough, or difficulty breathing) should notify their employer and stay home.
 - ii. Sick employees must follow the instructions and recommendations of the Ministry of Health, the National Institute of Public Health

(www.kosova.health) and their family doctors. Employees must not return to work until the conditions/criteria to terminate domestic isolation are met, in consultation with the family doctor and the relevant health institutions.

- iii. Employees who are in good health but have family members infected with COVID-19 at home should also notify their employer and follow the instructions and recommendations of the Ministry of Health, National Institute of Public Health (www.kosova.health) and their family doctors.

- Implement basic measures to prevent infection by (i) promoting frequent and careful hand cleaning, including providing

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hand cleaning sites for employees, customers and visitors. If soap and running water are not available immediately, provide alcohol-based towels/wipes containing at least 70% alcohol (ii) enforcing the use of masks to prevent the transmission of the infection through the respiratory tract (iii) conduct continuous cleaning, such as disinfection of telephones, desks, keyboards and other work tools.

- Maintaining sound health standard procedures in the work process by identifying a job coordinator who will be responsible for COVID-19 issues and their impact on the workplace.
- Make sure that medical leave regulations are flexible and consistent with public health guidelines in accordance with the legal provisions in force which may include (i) giving additional days off medical leave (ii) implementing flexible regulations that allow employees to stay at home to care for sick family members, or to care for children, due to the closure of schools and kindergartens (iii) not requesting a positive test result for COVID-19, or a doctor's certificate for sick employees to prove their illness.
- Some employees may be at greater risk for serious illnesses, such as older adults and those with chronic medical conditions, so minimize eye-to-eye contact between these employees or assign job assignments that allow them to keep a distance of 1.5–2m from other employees, customers, and visitors, or apply remote work if possible.
- Inform employees how they can reduce the spread of COVID-19.
- Create rules and practices for social distancing, which means avoiding large gatherings and maintaining distance (at

least 1.5 meters) from others, whenever possible. In this regard, the employer may consider implementing the following strategies (i) work from home; (ii) flexible working hours; (iii) increasing physical space among employees in the workplace; (iv) increasing physical space between employees and customers (eg, 'drive through'), (v) holding flexible meetings and travel options (eg, virtual meetings, postponement of meetings or non-essential events); (vi) reducing functions to only essential ones; (vii) providing remote services (eg by telephone, video or web applications); (viii) delivering of by-products by mail or postal services.

- Keep a healthy working environment by improving engineering controls using building ventilation systems.



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- In the case of official travel, make sure that you have the latest information on the areas where COVID-19 has spread and based on such information, assess the benefits and risks associated with travel plans. Avoid sending employees who may be most at risk for serious conditions (such as older employees and those with diabetes, kidney disease, heart disease, lung disease, etc.) to areas where COVID-19 is spreading. Employees who travel should be supplied with alcohol-based disinfectants in small bottles (less than 100 ml) for hand disinfection and make sure that they follow the instructions of the local authorities of the country where they will be traveling. Employees who have returned from an area where COVID-19 is spreading should be monitored for 14 days (quarantine or self-isolation according to indications set by experts in the field) upon return.

The guidelines provide that the following special restrictions apply to the owners of the premises:

- a. The maximum allowed number of customers is 1-person in 8 (eight) m².
- b. The owners of the premises are obliged to publish the maximum allowed number of persons at the entrance.
- c. The owners of the premises are obliged to implement measures to prevent and combat the spread of infection.

Determining the precautionary measures in accordance with the risk exposure

To help employers determine appropriate precautionary measures, Occupational Safety and Health Administration has divided job tasks into four risk exposure levels very high, high, medium and lower risk.

The level of risk depends, in part, on the type of job, the need for contact within 2 meters with persons

who are known or are suspected to be infected with COVID-19.

Very high exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19 during specific medical, postmortem, or laboratory procedures. Workers in this category include:

- a. Healthcare workers (e.g., doctors, nurses, dentists, emergency nurses) performing procedures such as intubation, bronchoscopies, some dental procedures, or invasive specimen collection on patients suspected or infected with COVID-19.
- b. Healthcare or laboratory personnel collecting or handling specimens from known or suspected COVID-19 patients.
- c. Healthcare workers in the morgue performing autopsies on the bodies of people who are known to have, or suspected of having, COVID-19 at the time of their death.

High-risk exposure jobs are high-potential jobs for exposure to known or suspected COVID-19 sources:

- a. Healthcare service providers and support staff (e.g., doctors, nurses, and other hospital staff who must enter patients' rooms) exposed to known or suspected COVID-19 patients.



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- b. Medical transport workers (e.g., ambulance vehicle operators) moving known or suspected COVID-19 patients in enclosed vehicles.
- c. Morgue workers involved in preparing for burial the bodies of people who are known to have, or suspected of having, COVID-19 at the time of their death.

Medium exposure risk jobs include those that require frequent and/or close contact with (i.e., within 2 meters) people asymptomatic people with COVID-19 as:

- a. In areas without ongoing community transmission, workers in this risk group may have frequent contact with travelers who may return from international locations with widespread COVID-19 transmission.
- b. In areas where there is ongoing community transmission, workers in this category may have contact with the general public (e.g., schools, large grocery supermarkets, etc.).

Lower exposure risk (caution) jobs are those that do not require contact with people known to be, or suspected of being infected with COVID-19, or frequent close contact with (i.e. within 2 meters) the general public. Workers in this category have minimal occupational contact with the public and other coworkers.



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If you wish to know more on issues highlighted in this edition, you may approach your usual contact at our firm or the following:

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Chambers Europe 2020: Top Ranked in 3 practice areas

The Legal 500 2020: Top Ranked in Legal Market Overview

Benchmark Litigation Europe 2020: Top Ranked in Dispute Resolution

WTR1000 2020: Top Ranked in Trademarks

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The firm’s particularity is linked to the multidisciplinary services it provides to its clients, through an uncompromising commitment to excellence. Apart from the widely consolidated legal practice, the firm offers the highest standards of expertise in tax and accounting services, with keen sensitivity to the rapid changes in the Albanian and Kosovo business environment. The firm delivers services to leading clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods.