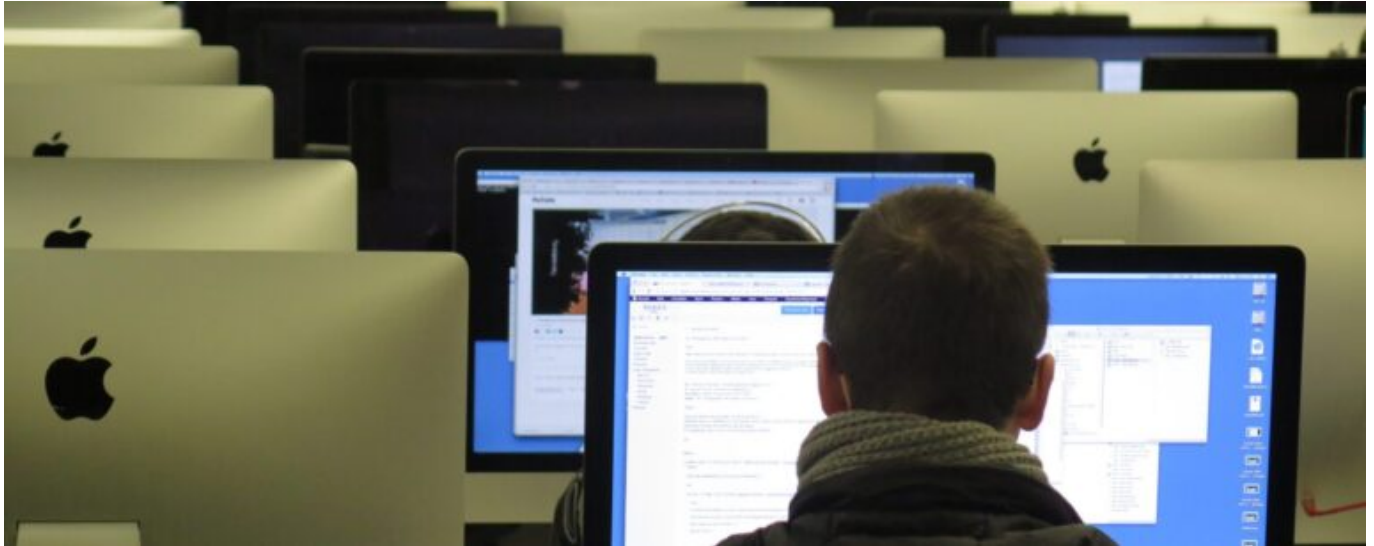


Employment In The Time Of Covid-19: Latest Updates

written by Neha Mathew | March 20, 2020



Employment during the Coronavirus Outbreak

With the number of cases of Coronavirus affected individuals standing at a staggering 251 as on March 20, 2020, reported in 22 States and Union Territories of India, it has become imperative for everyone to take immediate action and scale up the response to detect, report, treat and reduce transmission to save lives. India has not faced a pandemic fight like this one since the Spanish Flu (1918). While the government has ordered the temporary closing of educational institutions, gyms, and most other places, several state governments have begun to prescribe additional precautionary measures for offices and other establishments.

Actions proposed by the Centre:

The government of India is keeping a close vigil on the track record of the spread of the novel Coronavirus.

Addressing

the nation on March 19, 2020, Prime Minister, Narendra Modi urged citizens to (i) resolve to perform the duties as a citizen and follow the directions of the

Centre and State government(s), and (ii) to show restraint for the next few weeks by staying home and stepping out, whether for work or otherwise, only when absolutely essential. The Prime Minister advocating the efficacy of social

distancing called for a self-imposed "Janta Curfew" on Sunday, March 22, 2020,

between 7:00 AM and 9:00 PM. During this period no one, except for people related to essential services, must come out of their homes. The Ministry of Corporate Affairs, in an effort to promote 'Work From Home', has strongly advised companies/LLPs to implement the 'Work from Home' policy as a temporary

measure till March

31, 2020. A webform for companies/ LLPs to confirm their readiness to deal with the coronavirus threat has also been proposed.

Steps

undertaken by the States:

State governments have been authorized

to lead the observance of the aforementioned "Janta Curfew" and prescribe

appropriate guidelines in relation to the containment of COVID-19. In this regard, Kerala and Karnataka State governments had previously issued an advisory to IT companies to provide work from home options, especially for those employees who have returned from foreign travel and for those who were potentially in contact with them. Following their examples, the Labour Department, the government of Haryana, vide its notification^[1] had also brought out specific guidelines for the management of factories and establishments to mandatorily follow. A few from the notification have been produced below for quick reference:

- *“Employers should explore whether they can establish policies and practices, such as flexible worksites (e.g. telecommuting) flexible work hours (i.e., staggered shifts), to increase the physical distance among employee and between employees.*
 - *Discourage workers from using other workers’ phones, desks, offices, or other work tools and equipment, when possible.*
 - *Encourage workers to stay home if they are sick and to call State helpline no. 8558893911 or 108. Never travel directly or avail public transport facility to the hospital if suspected of possible exposure of COVID-19.*
 - *If foreign delegation has recently visited the premises or the employees have visited some foreign location or such visits are planned in the future, the employer shall inform the District Administration/nearest government hospital immediately.*
 - *Do not insist for a medical certificate for employees who are sick with acute respiratory illness to validate their illness as medical facilities may be extremely busy and not able to provide such documentation in a timely way.*
 - *Factories having installed public address system may utilize the same for educating workers on the measures for preventing possible exposure of COVID-19.*
 - *Avoid biometric attendance of the employees.*
 - *Establish alternating days or extra shifts that reduce the total number of employees in a facility at a given time, allowing them to maintain distance from one another while maintaining a full onsite work week.*
 - *Notwithstanding anything stated above, all factory/establishment managements shall ensure strict compliance of directions of Ministry of Health & Family Welfare, Government of India, Government of Haryana and Haryana State Health Services issued in this regard from time to time.”*
- The

government of Karnataka, *vide*
notification[2],

towards prevention of spreading of Coronavirus, has also instructed its
Labour

Department to take necessary action and allow for paid twenty-eight days of
leave with wages for (possibly) infected employees, if any, who are covered
under the Employee State Insurance ("ESI") subject to tendering a
declaration from an ESI hospital/dispensary to the employer. Those employees
who are not covered under ESI shall also avail leave for twenty-eight days of
paid sick leave along with other leaves as per the Karnataka Shops and
Establishment Act 1961.

The

Employees State Insurance Corporation (ESIC) has also relaxed[3]
the provision of the Employees State Insurance (General) Regulations, 1950
and

allowed for the ESI contribution for February 2020 and March 2020 to be filed
and paid up to April 15, 2020, and May 15,
2020, respectively instead of 15th March and 15th April
2020, respectively.

Conclusion:

The economic impact of the novel virus on every economic
stratum, starting from daily wage workers to bigger corporate players to
public

sectors, remains to be seen. Until then, in the interest of the wellbeing of
self, co-workers and the health of a company/establishment at large,
following

the necessary precautions as currently mandated by our government is strongly
advised[4].

-
- [1] No. 748-824 dated March 17, 2020
 - [2] No. 170 dated March 5, 2020
 - [3] *Vide* notification No p-11/14/Misc/1/2019 dated March 16, 2020
 - [4] For more details, please visit: <https://www.mohfw.gov.in/>;
<https://covidout.in/>

Contributed By - Neha Mathew

Designation - Associate Partner- Corporate

King Stubb & Kasiva,

Advocates & Attorneys

Click Here to Get in Touch

New Delhi | Mumbai | Bangalore | Chennai | Hyderabad | Kochi

Tel: +91 11 41032969 | Email: info@ksandk.com