

# **Corona**

## **Your rights at work**

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# 1. Job & Labour Law

Your employer remains open – that is good news. For many people have lost their job during the current Corona crisis. Currently, we all have to try to avoid social contact to slow down the spreading of the coronavirus. Labour law rules what applies in the current situation.

## 1.1. The Corona-virus is spreading, do I still have to go to work?

You still have to do go to work. You are one of those people, which currently keep the country running. That must be worth more than praise and thanks the day after the Corona crisis. The Chamber of Labour and unions will work to achieve this.

If you still have to go to your workplace, your employer must care for the protection of your health.

Your contact with customers must be reduced. There are only exemptions if you are providing vital services, like food retailing, health care, public transport and important other Services like waste removal, energy supply etc.

The trade union for private employees “Gewerkschaft der Privatangestellten (GPA-djp)” has succeeded in tough negotiations to improve the situation of people working in the retail sector, for example through shorter opening hours. The agreement can be found here, (in German only):

[https://www.gpa-djp.at/cms/A03/A03\\_0.a/1342627813090/home/corona-schutzpaket-fuer-angestellten-und-lehrlinge-im-handel](https://www.gpa-djp.at/cms/A03/A03_0.a/1342627813090/home/corona-schutzpaket-fuer-angestellten-und-lehrlinge-im-handel)

The production union (Pro Ge) together with the works councils ensures that employers check which tasks are necessary and which are not. The checklist is online, (in German only):

[https://www.proge.at/cms/P01/P01\\_0.a/1342627749055/home/teamarbeit-schichtuebergabe-veraendern-arbeitsdichte-verringern-arbeitsplaetze-verbessern](https://www.proge.at/cms/P01/P01_0.a/1342627749055/home/teamarbeit-schichtuebergabe-veraendern-arbeitsdichte-verringern-arbeitsplaetze-verbessern)

If there is a specific risk of infection, you can stay at home. This could be the case if colleagues or customers with whom you work in close contact have become infected. In this case, you must inform your employer immediately that you are staying at home.

## 1.2. Can my boss assign me tasks I usually don't do?

In principle, your activities are part of your employment contract (verbally or written) and were agreed long before the Corona crisis. A permanent change in your activities would change this contract. Both you and your employer must agree.

Attention: At the same time, you have a duty of loyalty to your employer. If your company is threatened with disproportionate damage, you are have to support your employer in keeping the damage as small as possible. However, this only applies in the short term and not, for example, for the duration of a corona short-time work “Corona Kurzarbeit”.

## 1.3. How do I get to work under the current mobility restrictions?

You are allowed to leave your home to travel to and from work if absolutely necessary. If police stops you, it suffices if you can show a confirmation of employment, like an employment contract, but even that it is not legally required, it might just help to make things easier. You do not need a special travel to work permit.

**1.4. What are the rules for “Homeoffice” work?**

To avoid further spreading of the corona virus, working from the “Homeoffice” is certainly a good idea

If you have no agreement to work from your home yet, introducing “Homeoffice” constitutes a change of the location of work. This is an amendment to the employment contract which means both parties must agree on it. This means you do not have a right to work from home, but also you do not have the duty to do so.

An agreement should be made regarding the reimbursement of any expenses incurred (e.g. on a flat-rate reimbursement of expenses).

**1.5. What do if I need a settlement permit or a residence permit?**

You no longer need to apply in person for the extension of your settlement permit or other residence permit!

Until 31.12.2020, you can submit such an application by mail or e-mail.

In Vienna the mail address for this is: [ma35@wien.gv.at](mailto:ma35@wien.gv.at)

The postal address is: Magistratsabteilung 35, 1200 Vienna, Dresdnerstraße 93 Block C.

If you are in the process of obtaining Austrian citizenship: you can take the necessary vow in writing if the citizenship authority so requires.

## 2. Protection against infection in the workplace

The most important thing to protect yourself and others from infection with the Corona Virus is keeping the distance. This certainly holds at the workplace as well.

### **2.1. Do I belong to the risk group with my disease? How do I get a medical confirmation?**

Your health insurance fund (mostly "Gesundheitskasse Österreich") will check on its own initiative whether you belong to the official COVID 19 risk group. This depends in particular on the medication you are taking. The health insurance fund (mostly "Gesundheitskasse Österreich") will inform you if you belong to the risk group.

If the health insurance fund informs you on your elevated risk, contact your attending physician. He or She will check your personal risk. If there is a concrete risk, you will receive a COVID 19 risk certificate. This confirmation only states that you belong to the risk group, it will not say anything about your concrete illness.

### **2.2. What protection can I demand from my employer if I belong to a risk group?**

Show the COVID 19 risk certificate, i.e. the medical confirmation that you belong to the COVID 19 risk group, to your employer. He must check whether you can do your work at home (home office).

You may only continue to work at your workplace if you are protected against infection as far as possible. Concrete protective measures of course depend on the workplace: one possibility might be to work alone or at a sufficient distance from others, in any case should there be the possibility to clean your hands regularly. Hygiene must be ensured whenever you move around in the company. You also must be protected against infection on your way to work. The employer must confirm these protective measures in writing.

If you are unable to continue working from home or in the company, your employer must grant you a leave of absence. In this case, you do not have to continue to come to work, but you still will be paid. The health insurance fund will refund the cost to your employer.

This leave of absence is possible until 30 April 2020. Depending on how the corona situation develops, the responsible ministries can extend this.

### **2.3. What happens if I am dismissed because of my Covid 19 risk certificate?**

The law protects you from termination by your employer due to a necessary leave of absence resulting from the Covid 19 risk assessment. Such termination can be challenged in court. In addition, a possible protection against dismissal under the Disabled Persons Employment Act and the Equal Treatment Act is conceivable. In case of dismissal or termination, please consult our legal experts.

### **2.4. I am a risk patient but work in the critical infrastructure (nursing, supermarket, transport, post office, bank...) What applies to me?**

If you work in critical infrastructure, you cannot take time off. If you cannot work from home, your employer must take all possible protective measures to reduce the risk of infection while you work.

Only a small residual risk may remain. Supply-critical infrastructure includes the supply of food, transport, telecommunications, postal, energy, financial, social, health and care services.

## **2.5. I work in food retail: Do I have to wear a protective mask now?**

It depends on the size of the store. In retail shops above 400 m<sup>2</sup>, employees and customers must wear protective masks from sixth of April onward.

The employer should provide the masks. Only if masks are not available, shopping and working without mouth and nose protection is allowed for the time being.

Tip: Further information on the correct use of the nose-and-mouth mask can be obtained from the

## **2.6. What kind of protection is there for me if I am working with customers or patients?**

Employees who have contact with many people run an increased risk of contracting the corona virus. These are cashiers, employees in pharmacies, security services and many more. Their employers must take special measures to reduce the risk of infection as much as possible. In the retail sector, for example, the distance to customers can be achieved by using a separating plate at the checkout.

Information about protective measures can be obtained from the Labour Inspectorate.

For certain activities, protective equipment may also be necessary, e.g. if you work in the health sector. This may include special respiratory masks, protective gloves, protective goggles, etc. This must be determined by the employer after consultation with specialists, e.g. in occupational medicine. You must be instructed about how to use the protective equipment correctly. Incorrect use of the equipment can increase the risk of infection.

## **2.7. What do I have to observe in terms of hygiene and disinfectants?**

Your employer must ensure that the rooms are regularly cleaned and - very importantly - ventilated. All frequently touched objects must be cleaned thoroughly.

You must be able to wash your hands regularly and thoroughly with soap. Soap is sufficient, a disinfectant is not necessary.

If you work in outside your office or firm without possibility to wash your hands regularly, your company must provide you with a hand disinfectant. Caution: Not all disinfectants protect against the corona virus. You can rely on products that say they are effective against "enveloped viruses" or "(limited) virucidal".

Please also take care not to touch your face before having washed or disinfected your hands.

## **2.8. How can I maintain a safety distance of one to two meters?**

In order to maintain the recommended minimum distance of one to two metres work may have to be organised differently, e.g. at the entrance, in cloakrooms, showers, team meetings, etc., so that fewer people are in a room at the same time. Your employer must ensure this.

If the minimum distance cannot be maintained, your company must take other protective measures to keep the risk for you as low as possible.

If there is a works council in your company, it must be involved in determining the measures.

## **2.9. What applies to protective masks in the workplace?**

Your employer must, ensure that you can maintain a distance of one to two metres from other people. And he must ensure hygiene in the workplace.

Whether your employer must provide you with protective masks depends on whether there is an increased risk of infection in the company or during your work.

Like it is the case, for example, with healthcare professions.

Simple mouth and nose protection ("surgical masks") does not reliably protect you from infection. However, it reduces the risk of infecting others. It is important to put on and take off these masks with clean hands, and to continue to observe all other protective measures such as keeping safety distances.

From 6 April 2020, it will be compulsory for retailers and customers to wear a mouth and nose protection ("surgical masks"), during shopping.

Special masks (FFP2 and FFP3) are effective for self-protection but are currently difficult to obtain. They should be primarily used to protect health personnel working in close contact with COVID-19 infected persons.

The Labour Inspectorate recommends wearing mouth-nose protection if the minimum distance of one metre cannot continuously be maintained. Everyone in the room must wear the masks to protect each other. This reduces the risk of infection.

## 3. Dismissal & Involuntary vacation

Many companies are currently under pressure; they try to send their employees on vacation or try to reach a consensual termination of the employment relationship. Do not hastily sign an agreement. Here are some important things you should know

### 3.1. My employer wants an amicable solution and to reinstate me later. Should I accept this?

Unfortunately, it is legally possible to terminate your employment at any time, provided the relevant deadlines and formal requirements are met. In the event of consensual termination, both you and your employer must explicitly consent. However, there are less drastic means of bridging the current crisis!

Please be sure to propose short-time work (Kurzarbeit) to your employer! This is what helped avoid mass employment termination during the financial crisis of 2008/2009. During short-time work you will be reimbursed up to 90% of your previous salary by the AMS. During this time, your employer can reduce his or her wage costs down to zero. In contrast, unemployment benefit is only around 55%.

### 3.2. How can I fight a dismissal?

Generally, your employer can also terminate your employment at any time if you do not have special protection against dismissal and termination due to short-time work or for other reasons.

You can also be dismissed while you are on sick leave.

The employer may only give you a dismissal, i.e. "without notice", if you have committed a serious offence, such as theft, so that your boss cannot be expected to employ you for even one more day.

The Chamber of Labour and trade unions will help you to fight against unfair dismissal or termination.

Attention: In principle, you can only contest a dismissal or termination for a very short period of time, namely within 14 days, at the Labour and Social Court! The notice of termination or dismissal does not have to be in writing. A verbal notice or dismissal is also valid!

Due to the Corona crisis, this period has been slightly extended in certain cases:

- For terminations or dismissals between March 8<sup>th</sup> and 21<sup>st</sup> 2020, the lawsuit must be delivered by April 30<sup>th</sup> 2020 at the latest, the legal situation for this time period is quite complicated.
- For terminations or dismissals after March 22<sup>nd</sup>, the lawsuit must be delivered by May 14<sup>th</sup> 2020 at the latest.

The Labour and Social Court of Vienna has provided a separate form for download to facilitate the filing of a claim: <https://www.justiz.gv.at/asg-wien/arbeits--und-sozialgericht-wien/formulare/kuendigungs--entlassungsanfechtung~7ad.de.html>

Important: With the lawsuit a court case is triggered, which can incur costs on your side! Before doing so, please make sure you contact the Chamber of Labour or trade union responsible for you and seek comprehensive advice - also to make sure whether we can provide you with legal protection and assume the court costs in part or in full on your behalf.

### 3.3. May my boss require me to take vacation?

Legally, your boss is free to send you home. But this is a "leave of absence", the company must continue to pay your salary or wage. It does not use up your holiday entitlement. To use your holiday entitlement you and your boss have to mutually agree.

## 4. Plant closure & Quarantine

At the moment many companies close their business because there is no work. However, it is also possible that the authorities impose a quarantine for you or your workplace. The distinction is important

- Due to the current business restrictions, your employer may "voluntarily" decide to temporarily restrict or close his business.
- However, it is also possible that your entire business will be closed and quarantined by the authorities.

The following applies to you: In both cases, you are entitled to your wage or salary. If your company has not been quarantined or has been subject to a general ban on entering the premises, you must explicitly be ready for work!

Legally, your boss is free to send you home. This is a "leave of absence", the company must continue to pay your salary or wage.

If your boss sends you home voluntarily, you do not need a confirmation of sickness. Sickness leave only applies if you are really sick not because your boss sends you home for other reasons.

### 4.1. What happens to my wage or salary if my employer closes?

No company can invoke "force majeure" because of the Corona crisis and simply stop paying your wage or salary.

The official restrictions on services and trade only affect customer traffic, but not the appearance at work by the company owner and his employees.

Regardless of whether your employer decides to send you home or to call you in for certain work in the company, you are still entitled to continued payment of your salary. This also applies if the entire company is quarantined and it is in fact impossible to perform work.

Following an amendment to the law, it has now also been expressly clarified that closures of commercial and service enterprises on the basis of the decree of the Minister of Health are to be attributed to the sphere of the employer. You must therefore continue to receive your full salary or wages from the employer during such closures.

At the same time, the new law states that during this period the employer may demand that you reduce holiday credit balances from previous years, two weeks of the current holiday entitlement and any time compensation credit balance. This is a temporary exception to the basic rule that leave must always be mutually agreed upon.

In this context, please note the possibility of introducing short-time work. This allows your employer to reduce wage costs in part completely and at the same time ensures that you receive almost full wage compensation from AMS funds.

### 4.2 What happens to my salary or wages if I am myself in quarantine?

If you have been subjected to domestic quarantine because of Corona and are therefore unable to go to work, you are entitled to continued payment of your salary for the entire lost working time, which your employer must pay.

Please note, however, that if you are in domestic quarantine, you are generally not unfit for work (in the sense of a sick leave). Even in quarantine, it is possible to arrange a home office with your employer.

## 5. Family

If you are the parent of a minor child, you are advised to leave your child at home if possible. At the same time, you often have to go to work. A remedy is the possibility of a special care period "Sonderbetreuungszeit".

### 5.1. What restrictions apply to schools and childcare facilities?

All schools from the 9th grade on (vocational schools, secondary schools, grade 5 and above of the grammar school) will be switched to distance learning from Monday 16.03.2020 and attendance will be discontinued.

For everyone up to grade 8 and all childcare facilities (nursery school, kindergarten, elementary school, middle, school, lower grade of the grammar schools) the change takes place on Wednesday, 18.03.2020: The obligation to send the children to school is set aside.

- Those who can look after their children at home should do so, in order to reduce social contacts as much as possible.
- The frequency of contact in education and care facilities for 0 to 14 year olds should be reduced as much as possible. However, these institutions will remain open for the care of those children whose working parents/care givers are unable to organize care in a private environment.

### 5.2. What should I do if school or kindergarten refuses to care for my child?

The responsible ministry has announced that childcare will be provided throughout the country.

We have however heard of some cases in which the school management has only granted this possibility to certain professional groups.

If you could not get childcare even though your child needs to be looked after and there is no other carer available, this is a legitimate reason for not coming to work "Dienstverhinderung", you must immediately report this to your employer.

While you are unable to go to work due to a legitimate reason "Dienstverhinderung", you are entitled to continued payment of your salary for the one working week. Each parent is entitled to a whole week; they can take turns in looking after the child. A joint household is not necessary

Attention: Even if the entitlement to continued remuneration ends, the necessary - possibly unpaid - care of a child is not a reason for dismissal!

### 5.3. What is "special care leave" and how do I get it?

If you need to look after your child because your child's school or kindergarten is closed, you can arrange a special care period of up to three weeks with your employer. This is more advantageous both for your employer, because he receives a subsidy towards your wage costs. The advantage for you is that you do not have to justify and prove the necessity of taking time off work every single day.

The prerequisite is that your child has not reached the age of 14 and you are not indispensable to your employer.

This now also applies to people with disabilities, irrespective of their age, who are either cared for at home on the basis of voluntary measures or who are usually cared for or taught in an institution for the disabled or an educational institution for people with disabilities and these institutions are now

restricted or closed, or to people with disabilities who are cared for at home and whose personal assistance is cancelled due to COVID-19.

The advantage of this special care leave “Sonderbetreuungszeit” lies in a financial subsidy: the Federal Government reimburses your employer one third of wage costs for the duration of your absence for a maximum duration of three weeks.

This is intended to motivate as many employers as possible to make such a special care period available to a persons affected.

Attention: Special care leave is neither a sick leave nor a holiday. The term “Sonderurlaub” (Specialholiday) is therefore incorrect.

Use our German [sample letter](#) if you would like to arrange special care leave with your employer.

#### **5.4. Can I get “special care leave” to care for disabled people?**

The "special care period" now also applies in the case of people with disabilities, irrespective of age, who are either cared for at home on the basis of voluntary measures or who are usually cared for or taught in a disability support institution or a teaching institution for people with disabilities and these institutions are now restricted or closed.

It is also possible to agree on “Sonderbetreuungszeit” a special period of care if people with disabilities usually make use of personal assistance and this is no longer guaranteed as a result of COVID-19. In this case the special care time can be used by relatives of the person to be cared for. If you have to take over the care of the persons concerned due to your family obligations, you can arrange a "special care time" of up to three weeks with your employer.

The advantage of this special care leave lies in a financial subsidy: the Federal Government reimburses your employer one third of wage costs for the duration of your absence for a maximum duration of three weeks. This should motivate as many employers as possible to offer such a “Sonderbetreuungszeit” (special care period) to as many people in need of it as possible.

Attention: Special care leave is neither a sick leave nor a holiday.

#### **5.5. My Family got into financial hardship. Where can we get help?**

For all people in need in Austria there is the “Mindestsicherung” (minimum income support) or “Sozialhilfe” (social assistance). It is administered by the social welfare offices in the “Magistrat” City councils and “Bezirkshauptmannschaften” (district councils), which provide information and accept applications.

Under certain conditions, families can receive support from the “Corona-Familienhärteausgleich” (special Corona support scheme for Families). Support from the fund can be given if:

- the family's main residence is in Austria AND at least one parent living in the household was employed until the 28 February 2020 and has since been receiving unemployment benefit or is registered for short-time work.
- the family's main residence is in Austria AND at least one parent living in the household got into financial trouble due to the Corona crisis. This parent has to be eligible for support from the hardship fund of the Austrian Federal Economic Chamber.
- the Family receives “Familienbeihilfe” (family allowance) for at least one child living in the household.

- Financial support is available for Austrian citizens, EU citizens, third-country nationals, stateless persons with exclusive residence in Austria, refugees and “subsidiär Schutzberechtigte” (persons entitled to subsidiary protection).
- The family's current income may not exceed a certain limit. The limit depends on household size.

Details on: What counts as family income, limits to family income and the determination of support payments, can be found in the [guidelines](#) and [FAQs](#) of the Federal Ministry of Labour, Family and Youth. The application form, information sheet and guidelines (all documents in German) are available [online from the Ministry's website](#).

Information by telephone is available from the Family Service Line on 0800-240-262.

Note: there are plans to change the law, to extend eligibility to parents who received unemployment benefit already before 28<sup>th</sup> of February 2020, as well as recipients of minimum benefit/social assistance (as of 23.4.2020). The law had not been passed yet, we will provide further information as soon as possible.

## 6. Commuting and Business Trips

Even in times of the Corona crisis you may have to go on a business trip. Or do you have a long commute to work? You and your company should make sure that you do not expose yourself to an increased risk of infection.

### 6.1. I commute. Do I still have to go to work?

Even if you commute: If your company is not affected by access restrictions or is located in a quarantine area, you still have to go to work. For checks on public transport, you can carry a work certificate, such as your employment contract, although this is not required by law. If possible, arrange home office.

### 6.2 What applies to business trips during the Corona crisis?

You can only refuse a business trip, if there is reason to fear that there is a particularly high risk of infection at the place of travel. If there is no explicit travel warning, you have to follow an instruction to go on a business trip even during a possible epidemic.

Your doctor will decide on your medical risk in each individual case. If you fear for your health: Talk to your doctor and your company to see if there are any alternatives to such a business trip. Many companies currently use video conferences or telephone conferences instead. If you have or have had a pre-existing condition that indicates a higher risk to your health, you should make this known.

### 6.3. May I refuse to go on a business trip to potentially endangered areas?

You may refuse to go on a business trip if such a trip would cause an above-average risk to your health. This is the case if there is a travel warning from the Foreign Ministry. However, this can change quickly in the current situation. You can find the current travel warnings on the [website of the Ministry of Foreign Affairs](#).

## 7. Staying Home

Despite the corona crisis and in fear of infection, you cannot stay at home or not go to work based on your own decision. This is only possible if you are ill or have a personal reason for being unable to work, i.e. childcare obligations.

### 7.1. Quicktest: Do I still receive my salary if I cannot go to work?

Prevention of Working	Will you still get payed?	Has the employer to agree?	Will your employer get a subsidy for your payment?
Do you have Corona?	Yes	No	Your employer will get a subsidy for your payment from the AUVA.
Are you in quarantine?	Yes	No	Possibly: depending on the legal basis on which your quarantine is based.
You have a sick child to care for.	Yes	No	No
You are caring for a child because the kindergarten or school is closed (Special care exemption)	Yes	Yes	1/3 of your total wage will be replaced for the employer.
Are you allowed to stay at home with your child if care in kindergarten and school is not possible?	Yes	No	No, but the employer can agree with you on a special care exemption, which guarantees him/her a reimbursement of costs.
Are you allowed to stay at home with your child if care in kindergarten and school is possible?	No		
Are you unable to come to work because of quarantine measures? (traffic obstructions)	Yes	No	Yes
The employer due to a lack of orders closed your company.	Yes, please write down that you are released.		No
For no reason you are no longer perform your work (e.g. trade employee out of unfounded fear of infection)	No, you have to work.		
You do not go to work because you belong to a risk group? (Attention: medical certificate required)	Yes	No	Yes
They are switching to Corona Short-Time? (temporary working time of 0 % possible (if at least 10 % is worked during the short-time working period))	Yes	Yes	Yes

**7.2. How do I call in sick if I am not allowed to come to the doctor's office?**

For insured persons of ÖGK (blue-collar workers, white-collar workers) and BVAEB (railway workers, civil servants), it is possible to report sick leave by telephone. The end of the notification of illness should be agreed at the same time.

Additionally, telemedicine or to receive your prescription electronically are currently also possible. As alternative, your doctor can also send the prescription directly to your pharmacy.

Attention: This does not apply in case of quarantine according to the Epidemic Law. As this is not an illness, it is not necessary to report the illness to the doctor (the employer only needs to be informed).

**7.3. May I stay at home for fear of infection with the corona virus?**

If your company is not under quarantine and the company has not released you, you can only stay at home if there is a very real risk of infection. This could be the case, for example, if colleagues or customers with whom you are directly involved have become infected. In this case you have to inform your employer immediately if you are staying at home!

## 8. Information for unemployed persons

Things you need to consider if you got unemployed during the Corona crisis:

### 8.1. I just got unemployed. What do I have to do?

In order to receive unemployment benefits, you have to submit an application to the AMS. The best way to do that is via the e-AMS account. If you do not have an e-AMS account, then you can register as unemployed by e-mail or telephone. You do not currently have to apply for unemployment benefit in person at the AMS. You can use your e-AMS account for this purpose or you can apply online at [this address](#). If you cannot do this, call the AMS and have the application form sent to you by postal service. All contacts can be found [here](#). The telephone number for Vienna is 050 904 940. The AMS has assured that it will accept applications even if you cannot submit them until a few days later due to overloading of the AMS hotline and the e-AMS account.

Tip: You can also find information directly on the AMS homepage:

<https://www.ams.at/arbeitsuchende/arbeitslos-was-tun/aktuelle-informationen-zum-coronavirus#kommunikation-mit-dem-ams>

### 8.2. I am unemployed and have a child in school or kindergarten. He or she should stay at home now. What do I do?

Contact your AMS counsellor either by phone or e-AMS and clarify the further procedure. Write down the time of the call and who you spoke to.

### 8.3. Do I have to go to an already arranged appointment?

Clarify with your counsellor whether you have to attend the personal interview.

### 8.4. Can the AMS still place me in another federal state?

Yes. You can be placed on a job in another federal state if

- the reasonable daily travel time is not exceeded or accommodation is provided by the employer and
- you can continue to fulfil your care obligations.

### 8.5. Do I currently have to attend an AMS training course?

No. The AMS closes its training operations from Monday, 16.3.2020 until probably Easter (including Monday, 13.4.2020). Therefore, no new classes will start. However, training providers are requested to provide learning materials either online or in writing, if possible. You will continue to receive your financial benefits.

### 8.6. Will I be deprived of aid if courses are not held?

No. Even if the training class is suspended, you will continue to receive subsistence aid, trainings allowance or your unemployment insurance benefit. The same applies to further training allowances, part-time training allowances or the scholarship for skilled workers. However, you should register at the AMS and your educational institution.

**8.7. What applies to socio-economic enterprises or non-profit employment projects?**

Your company decides whether the work continues within the framework of an employment relationship in socio-economic enterprises and non-profit employment projects. Please contact your employer.

If you have a training place there and are doing work training, you can stay at home. However, please contact your training company and inform them about this

**8.8. I resigned for fear of the Corona virus itself. Do I have to wait four weeks for my unemployment benefit?**

That will be assessed on a case-by-case basis. Tell the AMS why you quit your employment. The AMS will decide whether there is a reason for leniency.

**8.9. Do I have to keep an examination appointment to assess my ability to work?**

If you do not keep an appointment for an assessment for no reason, the service will normally be discontinued. However, the AMS has promised that these appointments do not have to be kept as long as the official recommendations remain valid.

If you do not wish to keep the examination appointment, please inform your counsellor in the AMS of this fact.

## 9. Freelancers

In a free employment relationship, you are just as affected by the many restrictions and may fear for your income. Unfortunately, only a few labor law regulations apply to freelance employment relationships.

### 9.1. Can I be put on short-time working as a freelancer?

On April 2<sup>nd</sup> 2020, the AMS clarified that freelancers can exceptionally be included in short-time working if

- they are compulsorily insured and have therefore paid unemployment insurance contributions, and
- a regular normal working time can be determined on the basis of working time records

### 9.2. 9.2 How can I get financial assistance as a freelancer?

The Covid-19 crisis management fund set up by the Federal Government provides financial assistance to entrepreneurs to cushion the loss of income resulting from the crisis. Freelancers can explicitly also access these funds!

These funds are administered by the office of the Chamber of Commerce responsible for your federal state, to which you can submit a corresponding application for financial support.

### 9.3. 9.3 What is the period of notice for me as a freelancer?

If you have a freelance employment contract, you have to give at least 14 days' notice, which in some cases can be 4 weeks - we will be happy to inform you personally in each individual case.

## 10. Apprentices & Civil Servants

The vocational schools are closed. However, there are still rights for apprentices. Civilian service is now urgently needed. For you the following applies:

### 10.1. Are apprentices covered by short-time work?

Yes, this has now been regulated. As an apprentice, you can be included in the introduction of short-time work in your company. During this time, you will even continue to receive full compensation for your apprenticeship.

### 10.2. My vocational school has closed - do I have to go to work instead?

In connection with school closures, the Ministry of Education has stated that apprentices do not have to work in the training company to make up for the lost time at vocational school.

Instead, the cancelled lessons at school take place "in the form of an independent learning and working process of the apprentices from home, which is accompanied by the teachers using various media."

Attention: This explicitly does not apply to the following apprenticeship occupations, which are of enormous importance for the maintenance of important social functions, health, safety and the economic or social well-being of the population:

Retail trade with a focus on

- Food
- Delicatessen sales
- Perfumery
- Telecommunications
- druggist
- E-commerce merchant
- Operations logistics clerk (m/f)
- Pharmaceutical-commercial assistance
- Wholesale clerk (m/f)
- Medical products merchant (m/f)
- Application development - Coding
- Meat processing
- Meat sale
- Baker
- Baking technology

Teaching profession process engineering for the grain industry with the main focus:

- grain miller
- Feed production
- Food Technology
- Pharma Technology
- Bank clerk (m/f)
- and all double degrees in professions

For compelling reasons in the public interest, the missed schooling for these apprenticeship occupations is therefore considered "school-free" for the time being so that the apprentices have to work in their companies.

### **10.3. Can my previous place of employment in community services be relocated unilaterally?**

Civilian service is not an employment relationship in the legal sense. For this reason, the principles of employment law do not apply to civilian service members. The Civil Service Act does not clearly regulate the "place of employment" either - the Zivildienstler has to obey to all instructions that enable him or her to perform the assigned duties properly. These instructions are issued by the assigned institution and in consultation with the Civilian Service Service Agency.

### **10.4. Can I be recommitted to civilian service?**

In the event of natural disasters, accidents of exceptional extent and extraordinary emergencies, such as the current Corona crisis, you can also be obliged to perform the "extraordinary" civilian service as a former civilian servant until you reach the age of 50. If you are currently in an upright employment relationship, special protection against dismissal and dismissal applies. If you have any questions regarding the extraordinary alternative civilian service, please contact the Civilian Service Service Agency!