

# FAQ Corona impact

What and how to communicate with your employees



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## Communication is key! How?

We received many questions on how, when and what to communicate with your employees. In this period of insecurity for you as an entrepreneur and your employees, it is more important than ever to be transparent.

So the best advice we can give you is:

1. Set up a daily Corona update call with your team,
2. check how everyone is doing, what is going on in your department, what are your struggles and how can we help you?
3. and give them a short company update.

*Note: in this document we have followed the guidelines from the government and the RIVM. At this moment, they have advised to work from home till April 28th, 2020. This date may change in the future.*

# Variations of leave

## One of my employees has been diagnosed with the Corona virus. What do I do?

In this case it's important to follow the general rules, such as

- Sending the employee home immediately;
- Ventilating room(s) where the worker has been;
- Clean and disinfect all contact surfaces (e.g. keyboard, banisters, lift buttons);
- Taking preventive measures;
- Etc.

More up-to-date information can be found on websites such as [this one](#) (in Dutch).

## Tips for communication and solutions

Make an anonymous announcement to all employees about:

- Being extra mindful to the development of respiratory symptoms.
- Information about the measures taken / to be taken.
- Pay special attention to concerns for vulnerable employees with increased risk.

If there is a great deal of anxiety among employees, consider closing the workplace for a short period of time for preventive measures.

## Can I force my employees to take vacation days?

Officially not, but the Corona crisis is not an ordinary situation. So from our perspective there isn't one solution or answer to the question. We all know this is not a vacation and everyone is being forced some way in this situation.

We have to help and take care of each other. Each situation needs to be looked at individually, as there are no rules or regulations in place for this situation. It depends on factors such as:

- How your company is doing financially. Can you make use of the NOW-ruling?
- Whether or not a reduction of the workload is present;
- Whether your team member is also responsible for the care of his/her children at home (with partner or without partner);
- Etc.

Of course you can always ask your employee to use his/her vacation days or take unpaid leave. If this is financially not possible for the employee, then maybe a 50/50 agreement works better. Look at the possibilities together with your employee(s).

Maybe together you can come up with a new work schedule, just discuss the possibilities with each other.

## Tips for communication

1. Openly discuss the situation and what we can and may expect from each other. What is the problem and what is needed to fix it as much as possible?
2. Involve employees in your decision making process and make sure you all understand both sides of the story. Ask employees to come up with possible solutions.
3. Ask for any volunteers, who is willing to take vacation days or hours? But also discuss what happens if later on in the year people would all like to plan time off around the same time. How can you coordinate time off with each other?
4. Ask your employees to keep track of their hours and if by the end of the week there is a big gap between the contract hours and the worked hours discuss this and think of a solution (together).
5. Don't forget the output of the employee. Sometimes working from home is more efficient and the reduction in working hours isn't an issue anymore.

## Are employees allowed to cancel their taken holiday hours due to corona?

Once holidays of employees have been approved by the employer, the employer can legally reject a request from the employee to cancel (and work again).

But as an employer you would also like to prevent employees taking holidays at the same time later on this year, when you might really need them. And you also want to prevent situations such as burnout or different forms of illness.

The most important step is to stay connected to your team. Make sure you know how the team members are doing. Do they need a break? When do you need them the most?

Be open and transparent in communication, make sure everyone understands the needs of the business and that they are aligned with personal needs as much as possible.

## Tips for communication and solutions

1. Openly discuss the situation and what we can and may expect from each other.
2. Communicate to the team when and how you deal with holiday planning, also later on during the year.
3. Check in individual cases (due to holiday cancellations or signs of burnout/illness, etc.) what is necessary and discuss possibilities and options.

## Can I ask a sick employee if he/she is infected with Corona virus?

Officially, no. But these are different times and this is not just a matter of personal health, but also public health. And remember, you are obliged to take good care of your employees and make sure they are safe and healthy.

The Dutch GGD and several employee organizations are advising people with Corona symptoms to put the privacy issues aside for a bit and tell their employers they might be infected.

## Tips for communication

1. Be ahead of this. Talk to all of your employees about what to do if they think they have symptoms. Make sure everyone agrees that it is in everyone's best interest if we are transparent about this.
2. Be careful, don't ask directly. As an employer, you can rely on your duty of care for the protection of other employees. When an employee does not want to share information about his or her symptoms (linked to the Corona virus), you can refer the employee to the GGD. If, in that case, the employee has (symptoms of) the Corona virus, the GGD will advise the employee to share this with the employer.

## One of my employees has a sick child. What to do?

When your employee has a sick child your employee has a right to short term care leave. This is part of the normal regulations. The conditions say that the child must be in need of care taking and you are the only one that can give that.

Your actions depend on the severity of the disease. In this situation we would advise your employee to contact the RIVM or GGD. To make sure they are taking the right precautions.

During short term care leave the employee has a right to 70% of his salary. This is the minimum. As an employer you can decide to pay more than 70%.

## Tips for communication

1. When it is a regular illness there is no special communication needed.
2. Make sure you talk about the expectations and the amount of days needed.
3. If you choose to do so, tell the employee that the days of care leave will be paid for 70%.
4. When the child has the Corona virus your employee is being quarantined as well. Communicate about the possibilities to work remote.

## My employee is stuck abroad and can not work. What to do?

The last time a question like this was really relevant, was when the Eyjafjallajökull volcano in Iceland was erupting and all of Europe's flight travel was burdened by an enormous ash cloud. People were stuck abroad and had to extend their stay while in fact they already had to be back at work.

Officially an employer is not obligated to continue to pay wages in a case like this, and it can cost an employee vacation days.

This is a time of crisis. We advise to be flexible and work towards meeting each other in the middle. A possible solution might be to have the employee take a few extra vacation days and you will grant a few days as well.

## Tips for communication

1. Stay in touch with the employee abroad so you are aware of the situation.
2. Be aware that this is really stressful for the employee who is stuck abroad. Everyone is a bit scared about this corona situation. Take this into account when in contact
3. Talk about the solution afterwards, not when the employee is still stuck abroad

## Can I prohibit my employee on going on vacation? And if no, are there exceptions for certain areas?

You can not prohibit your employees from taking a holiday, unless you have an important reason.

In these exceptional times, having employees go on vacation now or after the crisis could possibly have a substantial impact on your business. This could be a reason to prohibit an employee from using their leave days. But perhaps, if you now have less work, taking days off could be wise.

Instead of prohibiting holidays, we would advise you to discuss holiday requests with the employee in questions individually. Discuss how the absence of this employee impacts the business, and look to meet in the middle.

## Tips for communication

1. Discuss the situation of taking days off or not with your team openly. Especially now. Address the current state of the amount of work, emphasize that these are stressful times en ask if there are employees who are thinking about taking time off.
2. This is not the time to just answer with simple yes or no. Discuss, take everything into account and find a solution together.
3. Perhaps you can find each other in the middle: don't take the full amount of days of but somewhat less so everyone is happy?

## Employee questions

### I have symptoms of / have been diagnosed with the Corona virus, what to do?

In general, the RIVM advises you to stay at home if you have any of the following (mild) symptoms: symptoms of a cold, runny nose, sneezing, sore throat, slight cough and/or a fever (38 degrees or higher)

Stay home and keep a distance of 1.5 meters from other people.

Important: If you have a cold with a fever, everyone in your house should stay at home. Call your general practitioner (GP) when:

- Your symptoms get worse;
- You have a fever (over 38 degrees Celsius), a cough or have trouble breathing; or
- You are 70 years or older, have a chronic illness or less resistance AND you have a fever.

*Important:* call (and do not visit) your general practitioner. In case of serious complaints, please contact your GP immediately.

*Note:* You are not obligated to share with your employer that you have (mild symptoms of) Corona. However, if you feel comfortable sharing details, this could help prevent spreading the virus to more colleagues and allows your employer to take extra preventive measures.

Check the [RIVM website](#) for more information.

## Employee questions

### Can I retrieve my holiday hours back if I cancel my booked holiday?

Your employer is legally allowed to deny your request to cancel if the holiday has already formally been approved.

The most important action is to have an open discussion about this with your manager and/or HR to weigh up both interests. Your employer would like to avoid everyone taking holidays around the same time later in the year, so discuss this with each other!

### Can I get paid leave when I have a sick family member?

If you have to take care of a sick family member there are two forms of leave in The Netherlands you can apply for:

1. Short absence (Kortdurend zorgverlof) - paid 70% maximum of two weeks; or
2. Long term absence (Langdurig zorgverlof) - unpaid.

Please visit [the website](#) of the government for more information.

### What if I get ill during my holiday?

If you get ill during your holiday you can call your manager to call in sick. Your remaining vacation days will be transferred into sick days and you are obliged to follow the sick leave policy your employer has in place.

### Can I already have my vacation days paid out for financial reasons?

In a normal situation the official answer can be found [here](#). In short:

Legal days (wettelijk): No

Extra legal days (boven-wettelijk): Yes

Though, this is not a normal situation. Contact your employer to discuss if (s)he is willing to pay out days. Be aware of your employers' situation as well, company financials are currently under a lot of pressure.

# Work-life balance

## How do I deal with employees with children who cannot work their normal hours?

We would advise you to discuss this with the employee and look at the possibilities. Can you -as an employer- be flexible, and what about the employee? Some possible options are:

- Flexible or different working hours;
- Different types of leaves (e.g. unpaid/parental leave);
- Using holiday hours (but make sure employees can still go on holidays after the corona crisis);
- Agree on an amount of hours that the employee isn't able to work;
- Split the costs (write xx% of the absence down as holidays, xx% as worked time);
- We hear more and more information on the possibility to look at it as 'care leave', but there are no set rules yet.

It's hard to predict the impact of your employees' absence. *Be sure to document and keep track of your agreements, and measure the impact of the agreements (what's the effect on the effectivity and/or performance of the employee?).*

If the employee has valid reasons for not being able to work during normal hours and there is no possibility to do the work during other hours, it is likely you have to pay the employee at least until the 28th of April 2020. In some cases, you can request the NOW-regulation. [Click here to see the requirements.](#)

## Tips for communication

1. Proactively contact your employees with children to discuss their personal situation. How are they doing? Are they able to organize the combination of work and having kids at home? Can they work something out with their partner?
2. In case of doubt, ask your employee to keep track of the hours (s)he can't work because of taking care of the children.
3. Evaluate regularly and decide together on next steps. Is the employee taking some holidays or unpaid leave, can you arrange a different working place, etc.?
4. Keep in touch with them and work things out together.

## Can I oblige my employees to work at different hours?

The government has asked employers to - when possible and needed - spread working hours of employees as much as possible. Until further notice this will be applicable until the 28th of April and no Works Council's approval will be necessary for this period.

This means you can spread the working hours of your employees (not *change* the amount of working hours though). The most important thing is to discuss this with your employees. In some cases people may even be happier to work at different hours as it's more convenient for them. Take action only when necessary (for safety or organizational reasons) and try to make sure people won't work more hours and that they're taking their breaks.

## Tips for communication

1. In case spreading working hours is a necessity in your organization, make sure to communicate ASAP on WHY it's necessary and HOW hours will be spread.
2. You could check proactively which employees are (voluntary) flexible in their working hours.
3. Have a point of contact available for people who are having problems with their adjusted working hours to look at the options together. This person should be able to make changes in personnel planning.
4. Be clear in communication and evaluate when possible to see if changes will be needed.

## Since most of us are working from home, how do I stay connected with my employees to see how they are doing?

Working from home can be inconvenient, but it also creates opportunities. We are now forced to look more into 'online connecting' and in case of a possible lock-down this would even be more important. A lot is being written about working remotely at the moment. We find [this article](#) very thorough and insightful (from self-accountability to video calling).

We have also created a *mood measurement questionnaire* that you could send out to stay on top of how your employees are doing. Check out these [Dutch](#) or [English](#) examples of this questionnaire, and contact us if you want us to customize this questionnaire for your organization.

Rather have more (video) team updates scheduled than necessary, make them voluntary if you will, but offer people the opportunity to stay connected and share their experiences.

## Tips for communication

1. Plan daily check-ins (or check-outs) with your team(s) and let them share their worries, experiences and best-practices.
2. Make sure to use the same tools to get people familiar with using them (let a few people test what works best for you and share guidelines, if needed).
3. Send out mood measurement questions to see if people are connected, feeling well, have the right tools or may have questions you didn't think about.
4. 1-on-1 checks will often be appreciated as well.

## When working from home, how do I make sure we all follow working conditions (arbo) guidelines as much as possible?

Under normal circumstances it is already hard to check if the employees' workplace at home meets the regulated guidelines. In this current (crisis) situation, with more employees working at home, it will be even harder.

Because there is still a care duty (zorgplicht) we advise you to proactively inform your employees about the correct guidelines. You can check out some of the following articles:

- [Here](#) (Dutch);
- [Here](#) (Dutch);
- And [here](#) (English);
- Also check out [this instructional video](#) on how to set up a home office.

Be flexible if not everyone can meet the proper standards and reach out to your IT Hardware supplier if they can help with supplying, perhaps on loan, extra monitors for your employees home workplace. We have seen multiple examples of companies taking these sorts of actions.

## Tips for communication

1. Proactively communicate about the guidelines.
2. Find out if employees need extra supplies (screens, chairs, etc.) and arrange this as much as possible.
3. This is not a time to be strict about regulations.

## Employee questions

### What if I cannot make my normal working hours (due to children at home / sick partner)?

These are two different situation, and we will handle them as such. First the official regulations:

#### Children at home

1. When the school closes, you can take emergency leave. This type of leave is intended to solve an immediate emergency. In this case you can use this type of leave to arrange another form of (day) care for your children. You can take a maximum of two days emergency leave, and your employer will continue to pay your salary.
2. If you need more time, or if you (have to) decide to take care of your children for a longer period, then this is a form of unpaid leave. Your employer is not obligated to continue to pay your salary. You can of course use your vacation days or take unpaid/parental leave.

#### Sick family member

1. When you have to take care of a sick family member you can use two types of leave. First of all you can use the short term absence (*kortdurend zorgverlof*). You can only use this form if you are the only one capable or available to take care of this family member. You can take a maximum of two weeks short term absence leave. Your employer may reimburse a maximum of 70% of your salary.
2. When you need longer than two weeks, you can use the long term absence (*langdurig zorgverlof*). Please visit the [government website](#) for an extensive explanation on the length of this leave type. Your employer is not obligated to continue to pay salary.

#### Corona crisis

These are difficult times. The Corona crisis has a huge impact on all of us. Therefore we think the strict regulations as stated above are only a guideline in this crisis. It is important to stay in contact with your employer and be transparent about your situation and the challenges you are facing. You are not alone, many are facing these issues. In the end, if you and your employer keep conversations open, you will find a way to deal with what types of leave you want to make use of.

## Employee questions

**Can I do sports or other activities (taking care of kids) during the day and work in the evening?**

Normally you would agree on working hours stated in your employment contract or company policy. If you normally have flexible working hours then these still apply, but stay safe while doing sports.  
If you normally do not have flexible working hours, we advise you to make agreements with your employer about this now.

**Do I have to make all my hours if I don't have a normal work space?**

Formally your employer is obliged to provide a safe and healthy workplace. At this moment the government has provided guidelines to work at home as much as possible and keep distance from each other. Again, formally, your employer will have to provide you with the correct equipment to work at home. If this can not be provided you will have to discuss with your employer what the tasks are you can do with the tools you have. Perhaps this means you can not make all your normal hours. You and your employers will have to come to some sort of agreement about this.

**Can an employer obligate me to stay inside?**

No, an employer can not obligate you to stay inside, but we all know the Dutch government has given us all strict guidelines how to handle in this corona crisis (like staying at home and social distancing of 1,5 meters). Your employer can point out the guidelines and ask you to respect them as much as possible to make sure you stay healthy and fit.

**Can my employer obligate me to visit a relation/client?**

In a normal situation, if this is a normal part of your job, your employer can obligate you to visit clients. But your employer is also obliged to ensure a safe and healthy workplace. (S)he cannot guarantee this for an external business relationship at the moment.

In addition, the urgent advice of the government is to stay indoors as much as possible and to keep a distance from each other. Your employer will probably go along with this.

If this presents a problem, discuss the current situation and guidelines with your employer.

## Employee questions

### How do I detect and prevent fake messages and phishing emails?

Unfortunately, there has been an increase in cyber crimes since the COVID-19 outbreak. Many fake WhatsApp messages and phishing emails are going around. Make sure you and your colleagues are aware of:

- Emails with attachments and/or links;
- Suspicious email addresses;
- Any requests for personal information;
- Links with attachments to download and install software (such as virus/spyware);
- Emails with incorrect or missing personal salutations;
- Emails and messages containing incorrect grammar.

And be sure to:

- Keep your computer security up to date (install updates);
- Consider multi-factor authentication for your devices and email addresses;
- Change compromised passwords as soon as possible (and don't use this password for other accounts).

# Terms & Conditions

## Can I terminate a contract before the start date?

Yes, employers are allowed to terminate the employment contract following the probation period rules. This also applies to employees whose employment contract has not yet started.

Employment contracts can be cancelled at any time after signing the agreement, until the end of the probation period. When you do, make sure to give the employee a written statement with the reason of the contract cancellation.

In case an employee would like to apply for unemployment benefits (WW-uitkering), the UWV will ask for serious evidence stating this person can not (nor later on) work for your company. This will need to be backed up with an official letter, email contact, so it would be nice to help the employee in this matter as much as possible.

## Tips for communication

1. In any cases of dismissal or letting people go, be transparent.
2. Emphasize that you take this step out of great importance and explain reasoning behind your decision.
3. Make an agreement on possible future changes. Will the new hire be flexible to start later or can you stay in touch? Keep the relationship strong and as positive as possible.

## Can I ask my employees to do different work than their official job?

Ask yourself if the employees who temporarily have less work, can perhaps help out in another department or with different projects/tasks.

Is this allowed by law?

If there is a clause in the employment contract that the employee must perform all occurring and / or reasonably assignable tasks, then you can ask him/her to temporarily perform different tasks.

If there is not such a clause then several legal rulings say that an employee may not simply deny such reasonable proposal from the employer. We strongly believe that in crisis times like this, a proposal of such sort is reasonable. Make sure to discuss this with the employee(s).

## Tips for communication

1. Be transparent about the situation. In crisis times a step extra of everyone is needed. The sooner you startup these conversations the better.
2. Do not directly point towards laws and regulations, stating you have “permission” to take these steps. Be aware that after this crisis you still need each other for the long term.
3. Think about the type of work you would like the employee to do. Make it as close to the normal role as possible, but even more important: involve the employee part in your thinking process.

## Can contracts be changed one-sided now that there is less work?

The normal rules for changing contracts apply, even in corona crisis:

1. You can first check if employees are willing to agree on a (temporary) change in terms and conditions (they have to agree!);
2. To make changes, there has to be a clause in the contract stating the ability to change benefits one-sided;
3. The employer must have a significant interest in the change (zwaarwegend belang);
4. The interest of the employer outweighs the disadvantage(s) of the employees.

So there is definitely room for change. The effects of this Corona crisis are high. So for the benefit of the company there is certainly a high interest.

## Tips for communication

1. Be transparent about the situation. In crisis times a step extra of everyone is needed. The sooner you startup these conversations the better.
2. Don't directly point to the law and that you have "permission" to take these steps. Be aware that after this crisis you still need each other for the long term.
3. Make sure the proposal is a reasonable one. Can you expect the employees to agree on the proposal?
4. Emphasize that you take this step out of great importance. This is needed for the survival of the company.

## Do I have to pay a transition allowance (transitievergoeding) if I am in serious trouble with my company and have to let people go?

Yes. If you apply for dismissal for business economic reason (ontslag om bedrijfseconomische redenen), you will have to pay the so-called transition allowance.

This also applies for employees with a temporary contract that you do not want to renew.

You do not have to pay this allowance in the event of bankruptcy, suspension of payment or if you are in debt rescheduling.

## Tips for communication

1. In any case of dismissal or letting people go, be transparent.
2. Keep communicating with employees you have to let go: what are you doing, why is this happening, where are you in the process, what are you arranging?
3. Also keep communicating with the employees who are staying: Why is this happening, how fill this effect and help the company. What is strategy moving forward?

## What are my options regarding the yearly holiday allowance pay outs in May? Can I delay the payments? Can I ask people to trade this for holidays?

Holiday allowance is regulated by law in the Netherlands and is at least 8% of an employees' wages. You cannot just refuse to pay this nor can you convert this into holidays.

You can, however, discuss with your employees when and how you will pay this holiday allowance. It is usual for the holiday allowance to be paid in May or June. This is also often stated in the employment contract.

With a written agreement you may deviate from the traditional months of holiday allowance payment (May or June). Discuss with your employees, especially during these times of crisis, the possibility of paying it out later, or perhaps paying in installments (spread over a longer period of time). Be aware of the fact that the holiday allowance has to be paid before the end of the year.

## Tips for communication

1. Start having these conversations soon. Don't wait until it is actually time (by contract) to pay the allowance.
2. Be transparent about the current financial state of the company. You don't have to put everything in detail, but be aware that employees will accept a change like this easier if they have some background or context.
3. Involve your employees in the conversations and process. Ask them if they have any other ideas or solutions.
4. Perhaps there are a few who want "to take it for the team". If someone really needs the holiday allowance and others don't you can handle them differently.

## What about traveling and lunch costs?

The fixed travel allowance can be paid for a maximum of 6 consecutive weeks in which your employee is absent. In case you expect the absence to be longer (which is currently the case with a lot of offices being closed), you can pay the fixed, untaxed travel allowance during the current (first month of absence) and the following calendar month. The travel allowance can only be paid again in the month following the month in which the employee returns to work (start again in May? Pay out as per June).

You could also decide to cancel the travel allowance payment if travel expenses are not being made. You can resume paying this allowance as soon as the employee travels to the office again.

If employees have a NS subscription, it can temporarily be put on hold by going to a NS charging point.

There are no tax guidelines for lunch costs. It seems logical that if lunch can no longer be provided, it will simply no longer be processed on the payslip of the employee.

Do you have a lease policy? Check with your lease company for possibilities.

## Tips for communication

1. In general; just be open and transparent in your communication towards employees, especially when it concerns (secondary) benefits. Explain the reasons why, even if it seems logical to you.
2. If possible, involve your employees in the decision making process. Ask them to come up with ideas or alternatives.
3. Make sure they have a person to go to in case of questions or issues they would like to discuss.

## Employee questions

### Can I be fired because of the Corona virus?

Not a simple yes or no question. This depends on many factors such as the financial state of the company, whether or not emergency allowances are granted by the government to your company, your personal situation (what kind of contract), and many more.

Our advice: Stay in contact with your employer and team. Keep up the good work and let's all see where this goes.

### Can my employer ask me to do different work during this Corona crisis?

Yes. If there is a clause in your contract that says you must perform all occurring and / or reasonably assignable tasks, then you can be asked to temporarily perform different tasks.

If there is not such a clause then several legal rulings say that you can not simply decline a reasonable proposal from the employer. And we strongly believe that in crisis times like this, a proposal of such sort is reasonable.

### I have a temporary contract that ends soon. What now?

In times of crisis there is a possibility your contract will not be renewed. This depends on many (financial) factors. Stay in contact with your employer.

### What about the transition allowance (transitievergoeding), if my contract is terminated?

There are a few different situations, depending on the state of the company and the form of your contract. Please visit [this](#) UWV page for more information (in Dutch).

**VIE** People



[viepeople.com](http://viepeople.com)



[info@viepeople.com](mailto:info@viepeople.com)