

COVID-19: EMPLOYMENT POLICIES AND FACT SHEETS FOR COMPANIES IN FRANCE

Date: 10 March 2020

K&L Gates Document

COMPANY'S CURRENT RESPONSE TO OUTBREAK OF CORONAVIRUS

The health, safety and welfare of each member of our team as well as their family members is a high priority for us. We, therefore, are closely monitoring the outbreak of novel coronavirus (2019-nCoV) (*Coronavirus*). It is an evolving and dynamic situation, so our response to it may change. However, we wanted to provide you with background information about the Coronavirus to improve understanding of the disease and provide some directions on how to respond to it. The risks of the Coronavirus should be taken very seriously. The company will monitor developments vigilantly, but at the same time, we should guard against overreaction, as some stories may tend to sensationalize the issue. Because the situation is fluid, we will update you when information changes as we are able to do so.

OVERVIEW

Toward the end of December 2019, authorities in Wuhan, Hubei province, China announced a cluster of cases of pneumonia associated with a local seafood wholesale market, for which a cause had not yet been identified. On 8 January, a new Coronavirus "2019-novel coronavirus (2019-nCoV)" was identified as the cause of the illness. The Coronavirus outbreak caused around 10,000 reported cases in China during the first month of the outbreak, with additional cases subsequently being detected on every continent. Since 31 December 2019 and as of 5 March 2020, 93,156 cases of Coronavirus (in accordance with the applied case definitions in the affected countries) have been reported in the world, including 3,282 deaths. The deaths have been reported from China, Italy, Iran, South Korea, the United States of America, Japan, France, Australia, Philippines, San Marino, Taiwan, and Thailand.

Although the large majority of cases have been confined to Wuhan, China, the expectation is that the virus could continue to spread throughout the world. As for 6 March 2020, there has been several confirmed cases of infection (613 cases) and deaths (nine) in France.

WHO, ECDC, AND FRENCH GOVERNMENT

On 2 February 2020 the World Health Organization (WHO), upgraded the global risk from the new coronavirus to

its highest level, saying the continued increase in cases and countries affected was "clearly of concern".

On 3 March 2020 WHO has shipped nearly half a million sets of personal protective equipment to 47 countries, but the global supply is rapidly running out. To meet rising global demand, WHO estimates that industry must increase manufacturing by 40%. WHO's information can be found [here](#).

WHO has declared the Coronavirus a global emergency.

The European Centre for Disease Prevention and Control (« ECDC »), an agency of the European Union, is in continuous contact with the European Commission, the public health authorities in China and the WHO regarding the assessment of this outbreak. To inform the European Commission and the public health authorities in Member States of the ongoing situation, ECDC publishes daily summaries and continuously assesses the risk for EU citizens.

ECDC and WHO have developed technical guidance to support the EU Member States in their responses.

ECDC has provided questions and answers on Coronavirus, as well a fact sheet for health professionals on Coronaviruses.

The French government has issued safety and other guidance related to the disease. In particular, a question and answer section is proposed to help companies cope with this epidemic.

The French Prime minister chaired an emergency meeting with government and opposition leaders to address the coronavirus outbreak as the country braces itself for a confirmed epidemic. On 4 March 2020, the Government Spokesperson indicated that the transition to Stage 3 of the epidemic would be inevitable.

WHAT IS KNOWN ABOUT THE TRANSMISSION

Current understanding about how the virus that causes Coronavirus spreads is largely based on what is known about similar coronaviruses. Coronavirus is a new disease and there is more to learn about how it spreads, the severity of illness it causes, and to what extent it may spread in France.

The Authorities assumed that the virus spreads through three routes:

- *Environment-to-human*: Information suggests that the Coronavirus is "zoonotic" - transmitted from an animal source to humans. The initial cluster of cases appeared to have a common source of exposure - a local live seafood and animal market.
- *Human-to-human*: The virus is thought to spread mainly from person-to-person. Between people who are in close contact with one another (within about six feet). Through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.

- *Surfaces or objects infected-to-human* : It may be possible that a person can get Coronavirus by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads.

There is currently not enough epidemiological information to determine how easily and sustainably this virus spreads between people.

In general, scientists believe the Coronavirus spreads from one person to another in the same way as other respiratory infections, including colds and the flu - through infected respiratory droplets. The sick person expels these when they cough, sneeze, or talk and possibly in his or her fecal matter and blood as well. Others can get the disease via contact (direct or indirect) with these contaminated droplets.

The incubation period for Coronavirus (i.e. the time between exposure to the virus and onset of symptoms) is currently estimated at between two and 14 days. At this stage, we know that the virus can be transmitted when those infected show (flu-like) symptoms. However, there are still uncertainties as to whether mild or asymptomatic cases can transmit the virus.

If people with Coronavirus are tested and diagnosed in a timely manner and rigorous infection control measures are applied, the likelihood of sustained human-to-human transmission in community settings in the EU is low.

KNOW THE SYMPTOMS

For confirmed Coronavirus infections, reported illnesses have ranged from infected people with little-to-no symptoms to people being severely ill and dying. Besides knowing how it can be transmitted, recognizing the symptoms is an important step. Symptoms can begin as early as one day after coming in contact with the virus and can sometimes last as long as 14 days. This can allow the virus to be spread unknowingly. People with underlying health conditions appear to be at higher risk for severe disease.

From what is known so far, the virus can cause mild, flu-like symptoms such as:

- Fever;
- Cough;
- Shortness of breath;
- Breathing difficulty;
- Chills;
- Body aches;
- Headache;
- Sore throat;

- Runny nose ;
- Pain in the muscles; and
- Tiredness.

HOW TO PREVENT

There is currently no vaccine against Coronavirus infection. The best way to prevent infection is to avoid being exposed to this virus. The development of vaccines takes time. Several pharmaceutical companies are working on vaccine candidates. It will, however, take months before any vaccine can be widely used as it needs to undergo extensive testing to determine its safety and efficacy.

Everyday preventive actions to help prevent the spread of respiratory viruses include:

- Wash your hands often with soap and warm water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer with at least 60% alcohol
- Avoid touching your eyes, nose, and mouth with unwashed hands
- Avoid close contact with people who are sick, in particular those with a cough
- Avoid visiting markets and places where live or dead animals are handled
- Follow general rules governing hand hygiene and food hygiene
- Stay home when you are sick
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash
- Clean and disinfect frequently touched objects and surfaces
- Wear face masks when you are ill
- Avoid contact with animals, their excretions or droppings

TRAVEL AND AFTER TRAVEL

There is a risk of infection in areas with active outbreaks. People who are in contact with sick people are at risk of being exposed to the virus.

After you travel or after a family member or anyone you reside with travels, monitor your health for 14 days. If you develop symptoms, contact medical authorities, and if instructed to do so, seek medical attention. Limit your contact with other people as much as possible, and let the medical facility know about your travel history and any potential exposures.

COMPANY POLICY RELATED TO THOSE THAT TRAVEL

If you have any travel planned, please be sure to check for travel advisories on the websites of the French Ministry of Europe and Foreign Affairs. All unnecessary travel, especially to China, the Lombardy and Venetia regions of Italy, South Korea, Iran, and Singapore must be postponed. These zones are likely to evolve and are regularly updated online.

If you have any work-related travel in regions in France and International, please contact the Human Resources Department in advance. We will assess whether the travel is necessary based on current known advisories and/or if business needs support an alternative to the travel, such as attendance in meetings by video or other means.

If you, a family member, or someone with whom you reside in the same household has travelled to China or any other area where the French Ministry of Europe and Foreign Affairs and the government have issued a Risk 3 level or higher advisory, please contact immediately the Human Resources Department.

In view of the company's health and safety obligations, we may ask you, during fourteen days minimum:

- homework or ;
- arrange your work place in such a way as to limit the risk of contagion.

In cases where homeworking is possible, we will make arrangements for you to work remotely for fourteen days until you can confirm that you and your family members residing with you are not infected by the Coronavirus. In accordance with French legal provisions, in the event of an epidemic risk, the company may resort to homework without the employee's agreement.

Please note, the 14 days homework policy applies only to the specific risk of Coronavirus. This accommodation may not be appropriate for other employee illnesses.

If you cannot work remotely, the Human Resources Department will work with you to assess risk associated with your return to work for 14 days. We may implement safety protocols for you and your coworkers, such as requiring you to wear a mask, to avoid places where fragile people are located, to avoid any non-essential meetings, or other protective gear during the 14 day incubation period.

The company has the option of moving paid leave already laid down to another period in the future to cover the 14 day period. Indeed, in accordance with French Labor law, we may change the order and date of departures on leave already taken due to exceptional circumstances. *[Exceptional circumstances may be characterized when an important and unforeseeable event affects the smooth running of the company. French case law has not taken a position on the pandemic and its classification as an "important and unforeseeable event" but the French administration has taken a position on the Coronavirus and considered that the employer could modify the days of leave already taken without observing the one-month period to cover the 14-day period].*

COMPANY POLICY RELATED TO SICK LEAVE

K&L GATES HUB

For the health and safety of all of your coworkers, it is essential that you do not report to work if you suspect you have the Coronavirus.

If you suspect that you or a family member that resides with you has Coronavirus, please seek immediate medical treatment and do not report to work. If you are showing any symptoms of the Coronavirus, you should not report to work until either (one) a healthcare provider examines you and confirms that you do not have the Coronavirus, or (two) a healthcare provider diagnosis you with the Coronavirus and then clears you to return to work. If you have contracted Coronavirus, and you believe you became infected with the disease while working for the company, including during work-related travel, please immediately alert the Human Resources Department.

During the period of sick leave you will be entitled to a daily allowance without a waiting day.

For all medically confirmed cases of Coronavirus, including anyone with complications from the disease or anyone requiring extended leave to recover, please contact the Human Resources Department to obtain information about sick leave. If you are unable to contact the Human Resources Department, please have a family member or other person contact the Human Resources Department to obtain the necessary paperwork for you.

If you have a confirmed case of Coronavirus, the company will need you to provide an authorization from your healthcare provider authorizing you to return to work. The company will keep all employee health information confidential. If a healthcare provider confirms you do not have the Coronavirus, and you have recovered from your illness, please return to work as you would normally from a common illness like the cold or flu.

If you contract the Coronavirus and suffer from any complications that impact you upon your return to work, please contact the company to discuss whether there are any reasonable accommodations that can be made to assist you while you recover.

COMPANY POLICY IN CASE OF EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances, we may set up a partial business arrangement. Your employment contract will be maintained during this period but your salary could be reduced due either to the temporary closure of the establishment or to the reduction of the working time usually practiced in the establishment below the legal working time.

THE RIGHT OF WITHDRAWAL

Prior to use a right of withdrawal, you must immediately contact the Human Resources Department. This right is indeed exceptional in the event of serious and imminent danger to your life and health. The misuse of this right

constitutes misconduct liable to disciplinary action.

If, after an investigation following your right to withdraw, the company establishes that the danger does not exist, you are obliged to return to work immediately. Failure to comply with this obligation may be subject to disciplinary action. *[French case law provides that this right to withdraw is not conditional on the actual existence of a serious and imminent danger. It is sufficient if the employee has reasonable grounds to believe that this is the case. French administration considers that in the event of a pandemic, the exercise of the right of withdrawal should remain exceptional as long as the employer has taken all appropriate preventive and personal protection measures. With regard to Coronavirus, if there are reasonable grounds for the employee to believe that he/she is in danger, he or she may exercise the right to withdraw. This would be the case, for example, if he/she shares his/her office with a person infected with this virus and the employer has not put in place any protective measures]*

COMPANY SAFETY POLICIES

Please follow the company's safety policy including company rules related to the use of personal protective equipment, including the use of gloves, eye and face protection, and respiratory protection. If you have any questions about the company's safety policies or the use of personal protective equipment, please contact the Human Resources Department.

ACKNOWLEDGEMENT OF COMPANY'S CURRENT RESPONSE TO OUTBREAK OF CORONAVIRUS

I acknowledge that I have read the Company's Response to the Outbreak of Coronavirus ("Response") and that I understood it and agree to comply with it. I further acknowledge that I have been reminded of the company's Safety Policy and understand that it is my responsibility to be familiar with it and abide by its terms.

In accordance with French labor law, it is your responsibility to take care of your health and safety but also that of other employees. Thus, in the event of failure to comply with the recommendations mentioned in this policy, you commit professional misconduct that may be subject to disciplinary action. *[Disciplinary sanctions for failure to comply with occupational health and safety obligations may go as far as dismissal for misconduct]*

This Response is not promissory and does not set terms or conditions of employment or create an employment contract.

Signature

Printed Name

Date

The employment policy and fact sheet provided above can be shared with your employees. If you have any questions or need legal advice on your company's specific circumstances or situation, please email COVID-19@klgates.com.

This publication/newsletter is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer. Any views expressed herein are those of the author(s) and not necessarily those of the law firm's clients.