

RAJAH & TANN ASIA

LAWYERS
WHO
KNOW
ASIA

COVID-19:
EMPLOYERS'
ROAD TO
REOPENING



RAJAH & TANN ASIA

CAMBODIA | CHINA | INDONESIA | LAOS | MALAYSIA | MYANMAR | PHILIPPINES | SINGAPORE | THAILAND | VIETNAM

www.rajahtanasia.com

CONTENTS

COVID-19: EMPLOYERS' ROAD TO REOPENING	3
CAMBODIA	4
CHINA	6
INDONESIA	10
LAO PDR	12
MALAYSIA	13
MYANMAR	17
PHILIPPINES	19
SINGAPORE	21
THAILAND	25
VIETNAM	27
KEY CONTACTS	30
OUR REGIONAL CONTACTS	32
DISCLAIMER	33

COVID-19: EMPLOYERS' ROAD TO REOPENING



The global economy has taken a staggering hit following the onset of the COVID-19 pandemic. Country after country has announced full lockdowns or issued a multitude of orders intended to limit the movement of people. These measures have inevitably targeted the workforce – the lifeblood of every economy – and their impact has trickled down to touch businesses and families across every sector of society.

As the pandemic shows signs of being brought under control in some countries, governments have begun looking to the future, cautiously seeking to restart their economies without triggering another outbreak. With ten member firms throughout Southeast Asia, Rajah & Tann Asia is uniquely positioned to address queries that employers and businesses with cross-border dealings within this region of high economic interconnectivity and interdependency may have, particularly with regard to the anticipated reopening of businesses.

Our member firms hail from the jurisdictions of **Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam**. This COVID-19 Publication brings together our lawyers from all member firms to answer the following questions:

1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?
2. Are businesses open and functioning during these Restrictions?
3. If businesses are not allowed to open, how long is this situation expected to last?
4. What conditions need to be in place to allow businesses to open and continue to function, and what are employers' legal obligations in this situation?
5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

This publication is up to date as of 27 May 2020.

CAMBODIA



1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

The Royal Government of Cambodia ("**RGC**") has prescribed the following temporary movement controls:

- a. **For Cambodian nationals:** According to the result of the Inter-Ministerial Committee meeting to Combat COVID-19 dated 27 May 2020, all Cambodian nationals holding Cambodian passports are no longer required to provide a valid COVID-19 health clearance certificate when entering into Cambodia. It is our understanding that a subsequent relevant regulation may be further issued shortly to implement this result.

For foreign nationals: Except for Diplomatic Visa (A) or Official Visa (B) holders, all inbound foreign nationals are required to produce a valid COVID-19 health clearance certificate within 72 hours prior to arrival in Cambodia, and travel insurance coverage of at least US\$50,000. All travellers shall be tested and may not leave the holding centre while waiting for the results. If a traveller tests positive for COVID-19, all travellers on the same flight will be quarantined for 14 days at a designated location. In the event all travellers test negative for COVID-19, they will be allowed to self-quarantine at their own accommodation and will be tested again on the 13th day of quarantine. A previous restriction on inbound foreign nationals from France, Germany, Iran, Italy, Spain, and the United States of America indicated in the notifications dated 14 and 15 March 2020 of the Ministry of Health has been lifted. The above is pursuant to Notification No. 101 dated 20 May 2020 of the Inter-Ministerial Committee to Combat COVID-19 of the Ministry of Health, which is effective from 20 May 2020 onwards.

- b. According to Notification No. 293/2020 dated 21 May 2020 of the Consulate General of the Kingdom of Cambodia in the Socialist Republic of Vietnam, the Consulate General has emphasised the restriction above in paragraph (a) and notified any Cambodian student or trainee who wishes to pursue education in any educational institution in Vietnam to obtain approval from the Vietnamese Inter-Ministerial

Committee to Combat COVID-19 in addition to having a valid passport and healthcare check.

- c. According to Letter No. 0183 dated 27 April 2020 of the General Department of Immigration of the Ministry of Interior, any foreigner who has not been registered in the Foreigners Present in Cambodia System ("**FPCS**") will not be able to have their visas extended. This restriction will come into effect from 1 July 2020 onwards.
- d. According to Letter on Travelling Restriction dated 27 March 2020 of the Ministry of Foreign Affairs and International Cooperation ("**MFAIC**"), the provision and issuance of Visa exemptions, Tourist Visas, e-Visas, and Visas on Arrival to all foreigners was suspended for one month.
- e. According to Letter No. 2680 dated 18 March 2020 of MFAIC, all travel via land, water, and air across Cambodian and Vietnamese borders shall be postponed with effect from 20 March 2020 until further notice.

2. Are businesses open and functioning during these Restrictions?

The RGC has ordered the suspension of the below offices/businesses ("**Suspension Order**"):

- a. cinemas;
- b. karaoke;
- c. gym and fitness clubs;
- d. beer gardens;
- e. educational institutions; and
- f. casinos.

Businesses of other industries are allowed to continue their operations as usual with certain relevant health and safety precautions.

3. If businesses are not allowed to open, how long is this situation expected to last?

Per the Suspension Order, these offices/businesses shall remain closed until further notice. The resumption of the above businesses relies solely on the improvement of the COVID-19 situation and the express withdrawal of the Suspension Order.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

Under the current guidelines and orders in place, there are no exceptions or conditions in which employers can work around to reopen their businesses. Any resumption of business operations can only be done with the withdrawal of the Suspension Order.

Employers may consider using the employment contract suspension mechanism allowed under Article 71 of the Labour Law. During the suspension period, the main obligations of both parties are frozen, meaning employees do not have to work while employers do not have to pay staff salaries. However, the employer's obligation to provide accommodation is still applicable during the suspension period if this is provided for under the employment contract.

Employers in garment (which includes textiles, footwear, travel products and bags) and tourism (which includes hotels, guesthouses, restaurants and travel agencies) industries which are affected by the COVID-19 pandemic are entitled to take the following measures:

- a. postponement of seniority payments accrued prior to 2019 and those accrued in 2020 to 2021; and
- b. make a request to the Ministry of Labour and Vocational Training for a suspension of employment contracts and update the Ministry with a list of the suspended employees. Each suspended employee will be entitled to a US\$40 government subsidy. The employers in the garment industry are required to contribute US\$30 to each employee while the employers in the tourism industry are encouraged to provide contributions on a voluntary basis, on top of the government subsidy.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

As there is no specific Cambodia law to administer the breach of the Suspension Order, employers that reopen for business may be charged under Article 474 of the Criminal Code for obstructing national security and may be ordered to pay a fine. The same employers may also be charged under Articles 167 and 168 of the Criminal Code which include, among other things, the revocation of business licenses. The current notifications and guidelines related to COVID-19 provide no exception or condition in which suspended businesses may rely upon to reopen.

Certain measures that employers may take to manage the impact include the said suspension of employment contracts and/or utilising government assistance as described in Question 4 above. Additionally, employers may also attempt to renegotiate the terms of their lease agreements and loan agreements with landlords and financial institutions respectively for delayed payments or restructuring of loans, citing the RGC's second press release dated 31 March 2020 and Circular No. B7.020.001 dated 27 March 2020 of the National Bank of Cambodia, under which the RGC made such appeals to landlords and banking and financial institutions respectively.

CHINA



1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

With the lockdown of Hubei Province (except for Wuhan City) being ended on 25 March 2020 and the lockdown of Wuhan City (the epicentre of the outbreak) being ended on 8 April 2020, there are currently almost no movement control restrictions within the territory of China, except for some limited movement control measures in certain areas with new confirmed cases. There may be temporary quarantine requirements imposed by the local governments from time to time according to the development of the pandemic.

From 28 March 2020, China has temporarily suspended the entry of foreigners with valid visas and residence permits (including the APEC business travel card, port visas, 24/72/144 hours visa-free transit, visa-free entry to Hainan, visa-free entry to Shanghai via international cruise, visa-free entry to Guangdong for groups of foreigners from Hong Kong and Macau, visa-free entry to Guangxi for ASEAN tour groups etc.). Entry with diplomatic, official, courtesy, and C visas and entry of foreign nationals with visas issued after this announcement will not be affected. Such measures will be adjusted according to the development of the COVID-19 pandemic.

2. Are businesses open and functioning during these Restrictions?

Currently, most businesses in China have resumed or are resuming normal production and operations, except for some industries which need to satisfy certain requirements before they can resume business.

According to the latest notice "Joint Prevention and Control Mechanism for New Coronavirus Infected Pneumonia Epidemic: Guidance on Improving Normalized Prevention and Control of New Coronavirus Infected Pneumonia Epidemic (应对新型冠状病毒感染肺炎疫情联防联控机制关于做好新冠肺炎疫情常态化防控工作的指导意见)" ("**Guidance**") issued by the State Council of China on 7 May 2020:

- a. shopping malls, supermarkets, hotels, restaurants and other places of indoor and outdoor activities can be fully opened;

- b. parks, tourist attractions, sports venues, indoor venues such as libraries, museums and art galleries, as well as closed entertainment and leisure venues such as cinemas and amusement halls can be opened by making reservations and controlling the number of people entering into such places etc.; and
- c. all kinds of necessary conferences, exhibitions and other activities can be held.

Notwithstanding the above, as China is a large country, whether an entity can resume business will also depend on the nature of its industry and the local rules and policies of each province/city regarding the resumption of work.

3. If businesses are not allowed to open, how long is this situation expected to last?

Not applicable as China has been encouraging the resumption of business as usual, albeit with relevant preventative measures in place. Please see Question 5 for further details.

Regarding the restrictions on foreigners entering China, there is no explicit deadline for such restriction and the Chinese government will issue an announcement if such measures change.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

This will depend on the Emergency Response Level for Major Public Health Emergencies ("**Emergency Response Level**") of the specific province/city. Currently in Shanghai, most industries can resume business directly without filing for confirmation. Regarding the resumption of business by certain industries such as theatrical performances, cinemas and enclosed stadiums, the operator still needs to file for confirmation from the local authorities before resumption of business. Such local rules in China are expected to be loosened after the promulgation of the Guidance by the State Council on 7 May 2020 and the downgrading of Shanghai's Emergency Response Level from Level II to Level III from 9 May 2020.

As most of the provinces/cities in China remain at Level II or III of the Emergency Response Level, general obligations of employers under the PRC Prevention and Control of Infectious Diseases Law (传染病防治法) and the PRC Emergency Response Law (突发事件应对法) will be applicable. Under such laws and regulations, an employer has the following obligations once a city has kick-started its emergency response measures:

- a. complying with the preventive and control measures such as investigation, testing, sample collection and isolation treatment of infectious diseases by disease prevention and control agencies and medical institutions ("**Relevant Institutions**"), and to provide the relevant information truthfully;
- b. duty to promptly report to the nearest Relevant Institution if any patient with an infectious disease or a suspected patient with an infectious disease is found;
- c. duty not to fabricate or disseminate any false information about the development of an emergency or emergency response;
- d. enterprises affected by natural disasters or accidents or public health incidents shall immediately organise their own emergency rescue teams and staff to rescue the victims, evacuate and relocate the threatened persons, control the sources of danger, mark and seal off dangerous areas, and take other necessary measures to prevent the spread of the danger, and report to the people's governments at the county level where they are located;
- e. enterprises in the place where the emergency occurred shall follow the decisions and orders issued by the people's government, cooperate with the emergency and disposal measures taken by the people's government, carry out their own emergency rescue work, and actively organise personnel to participate in the emergency rescue and disposal work in the place;
- f. general obligations to cooperate with the government in the mobilisation of personnel, the transfer of materials and the expropriation of property; and

- g. general obligations to cooperate with the government, health departments and other agencies and institutions in their inspection and supervision obligations.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

China has been encouraging enterprises to resume business and production. The central government and the local governments of China have issued relevant policies to support enterprises affected by the COVID-19 pandemic to resume business. However, relevant measures such as social distancing and the mandatory use of face masks must be implemented by relevant enterprises or industries with a high density of people.

If any enterprise or individual (a) violates the provisions of the PRC Prevention and Control of Infectious Diseases Law, the PRC Emergency Response Law or other relevant laws and regulations, and (b) causes the spread or epidemic of infectious diseases or causes an emergency event to occur or the danger to expand, which leads to damage to people and the property of others, such enterprise or individual may be subject to a fine, administrative penalties, civil or even criminal liability based on the law.

INDONESIA



1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

In response to the COVID-19 outbreak, the Indonesian government has implemented Large-Scale Social Restrictions ("**PSBB**"). The PSBB is not implemented on a national scale – only provinces, cities and regions which have requested PSBB status will be granted such by the Minister of Health.

As of 6 May 2020, PSBB has been imposed in two provinces (DKI Jakarta and West Sumatera) and 21 cities/regions (including major cities namely Bogor, Tangerang, Depok, and others).

As the first province to implement PSBB, DKI Jakarta implemented the following measures through DKI Jakarta Governor Regulation Number 33 of 2020 on The Implementation of Large-Scale Social Restriction in the Mitigation of Corona Virus Disease 2019 (COVID-19) in the Province of Special Capital Region of Jakarta:

- a. educational institutions (save for medical-related educational institutions) are required to discontinue face-to-face interaction and to convene remote classes;
- b. workplaces (with several exemptions) are required to suspend activities at the office but shall remain operational through a work-from-home system;
- c. public places of worship must be closed;
- d. political, sports and cultural events will be restricted;
- e. use of public and personal transportation as well as the number of passengers for public and personal transportation will be limited; and
- f. gatherings with more than five persons will not be allowed.

The DKI Jakarta Governor Regulation, however, exempts certain workplaces and allows these workplaces to remain open in Jakarta provided that they comply with PSBB measures by implementing physical distancing and prohibiting mass gatherings:

- a. government institutions;
- b. embassies and/or international organisations;

- c. state/regional-owned enterprises;
- d. workplaces in the following sectors:
 - i. healthcare;
 - ii. food and beverages (supermarkets, minimarkets, restaurants, food stalls);
 - iii. energy;
 - iv. communication and information;
 - v. finance;
 - vi. logistics;
 - vii. hospitality (hotels);
 - viii. construction;
 - ix. strategic industry;
 - x. vital objects (*objek vital nasional*); and
 - xi. daily needs; and
- e. social non-governmental organisations.

It is important to note that PSBB is not the same as a house quarantine. A person cannot be forced to stay inside their house pursuant to PSBB. Instead, PSBB is a measure taken by the government to restrict institutions or activities, but not the individuals in those institutions or individuals participating in those activities.

2. Are businesses open and functioning during these Restrictions?

No. Under the PSBB policy, all workplaces must remain closed and implement work from home policies, except those in essential sectors such as the financial, fuel, food, medicine, retail, water, communications and logistic sectors.

The exempted workplaces mentioned above can remain open as long as they comply with PSBB measures by implementing physical distancing and prohibiting mass gatherings. The Government has also exempted factories and allowed them to continue business activities on the condition that the factories have obtained an operational permit from the Ministry of Industry. Businesses which are not exempted must **temporarily stop any work activities** at the workplace/office.

3. If businesses are not allowed to open, how long is this situation expected to last?

Currently, there is no information on how long the PSBB will last. At the moment, the local governments in respective areas are in the process of evaluating the

spread of COVID-19 and whether they will revoke the PSBB status or extend the PSBB instead.

The PSBB implementation period in each province, city, and regency may differ from one another. We list below the current end date of PSBB in major cities in Indonesia:

- a. **Jakarta**: 4 June 2020
- b. **Bogor**: 29 May 2020
- c. **Depok**: 29 May 2020
- d. **Tangerang**: 31 May 2020
- e. **Bekasi**: 29 May 2020
- f. **Bandung**: 29 May 2020
- g. **Surabaya**: 8 June 2020

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

With the issuance of the PSBB policy, only exempted workplaces are allowed to conduct business as usual. For further details, please see our answer to Question 2 above.

Other than temporarily closing their offices/workplaces, employers are obligated to follow the local government policy where the office/workplaces are located, as the PSBB measures implemented in each province and/or regency may differ from one another (the central government allows regional governments to enact measures deemed appropriate in their respective areas).

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

Based on Article 93 of the Health Quarantine Law, anyone, including employers, who does not comply with or obstructs the health quarantine measures (including PSBB) may be subject to criminal sanctions of one year's imprisonment and/or a maximum fine of IDR 100 million.

Therefore, employers who reopen their office premises for business when they are not included in the category of exempted workplaces risk criminal sanctions in accordance with Indonesian laws and regulations.

LAO PDR



1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

On 29 March 2020, the Prime Minister issued the Order on Reinforcement Measures on Containment, Prevention and Full Response to COVID-19 Pandemic ("**Order**"). Pursuant to the Order, restrictions were imposed on movement and gatherings, and employees (other than those in essential services) were required to work from home for the period from 30 March 2020 to 19 April 2020. On 17 April 2020 the Government announced an extension to the implementation of the Order to 3 May 2020.

On 1 May 2020, the Prime Minister issued the Notice on Extension of the Implementation of Measures to Prevent, Control and Respond to COVID-19 to cover the period from 4 May 2020 to 17 May 2020 ("**Notice**"). The Notice was issued to relax some of the measures put in place under the Order, with the intention of minimising the impact of the pandemic on the socioeconomic status of the country and to allow the country to progressively return to normal.

The Notice has since been extended until 1 June 2020.

2. Are businesses open and functioning during these Restrictions?

In accordance with the Notice, offices in both the public and private sector may remain open under certain conditions. Please see Question 4 for further details.

Certain businesses are not permitted to open, such as:

- a. night markets;
- b. entertainment services, bars (serving alcoholic beverages);
- c. karaokes;
- d. arcade shops;
- e. cinemas;
- f. casinos; and
- g. sport competitions that attract large crowds.

3. If businesses are not allowed to open, how long is this situation expected to last?

Unless extended again, the Notice will expire on 1 June 2020, whereupon all businesses may resume operations again.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

The Task Force Committee has issued the Guideline on Requirements and Measures for Businesses Permitted to Operate during COVID-19 Outbreak ("**Guideline**").

Examples of requirements in the Guideline are set out below.

- a. Companies with a large workforce should provide dormitories for their employees, with an isolated quarantine area for employees suspected of having caught the virus as well as vehicles to transport patients to hospitals in cases of emergency.
- b. Social distancing in the work area, dormitories and canteen should be implemented – the recommended distance being one metre between individuals.
- c. If the dormitories are located away from the workplace, the employer shall provide transport.
- d. Employers must provide security to prevent employees from leaving the dormitories or workplace without authorisation, and to prevent outsiders from entering.
- e. Employers must allow medical teams to monitor or disseminate information in relation to COVID-19.

The measures to be undertaken under the Guideline include:

- a. measuring body temperature and providing hand sanitisers at entry-exit points of the workplace, dormitories or canteen on a daily basis, and recording the health condition of each employee. Employees with symptoms of fever or respiratory difficulties shall be isolated and referred to on-site medical checkups immediately;
- b. providing face masks;
- c. ensuring social distancing and prohibiting team sports, parties and social gatherings;

- d. screening outsiders, and applying the same measures as are implemented for employees to such outsiders;
- e. cleaning the workplaces, dormitories, canteens, warehouse and other common areas daily; and
- f. temporarily suspending the employment of foreigners until the outbreak is contained.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

If any business operator or individual violates the provisions of the Notice, including the measures and requirements set out in Question 4, such business operator or individual shall be subject to prosecution under the Law.

We strongly recommend that all businesses adhere to the Notice. In the event that there are new cases reported in any given province, the said province will be subject to a lockdown. If infections are reported in two provinces or more, Laos shall return to a national lockdown and the Order will take effect again, which means that offices shall be closed again.

MALAYSIA



1. Is your jurisdiction under some form of movement control restriction, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

The Malaysian Government announced the implementation of a movement control order ("**MCO**") nationwide, beginning on 18 March 2020, in an effort to curb the spread of COVID-19. The MCO restricted the movement of persons and also required business premises to be closed unless they fall within the category of providing an "essential service". The restrictions under the MCO are imposed under the Prevention and Control of Infectious Diseases Act 1988, and the orders and regulations enacted pursuant to it.

On 1 May 2020, the Malaysian Government announced that the MCO restrictions will be relaxed with a conditional MCO ("**CMCO**") commencing on 4 May 2020 until 12 May 2020, in a bid to revitalise and restart the economy. On 10 May 2020, the Malaysian Government announced that the CMCO will be further extended until 9 June 2020. The CMCO restrictions for the period of 13 May 2020 to 9 June 2020 are contained in the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 6) Regulations 2020 ("**CMCO Regulations**").

Instead of providing a list of businesses/services which are allowed to operate, the CMCO Regulations provides a list of prohibited activities – which is reviewed and may be updated by the National Security Council ("**NSC**") from time to time. Under the CMCO, the majority of businesses are allowed to operate at full capacity, subject to compliance with the standard operating procedures ("**SOP**") issued by the NSC or the relevant regulatory body of its relevant sector. Further information on the prohibited activities and the SOPs issued by the NSC is available [here](#).

2. Are businesses open and functioning during these Restrictions?

Save for carrying out prohibited activities under the CMCO Regulations, offices are allowed to open subject to compliance with the SOPs issued by NSC and any relevant regulatory bodies.

3. If businesses are not allowed to open, how long is this situation expected to last?

The CMCO is currently in place for the period of 4 May 2020 to 9 June 2020. With the introduction of the CMCO, it indicates that the Malaysian Government intends to gradually reduce the restrictions on business operations and limitation of movements. However, the Malaysian Government may extend the period of the CMCO based on its analysis of the level of containment of COVID-19 within Malaysia as it did with the initial MCO period.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

Under the SOPs and guidelines issued by NSC and various ministries, employers are required to ensure that precautionary measures are implemented in at the workplace. The SOPs may vary depending on the sector. For instance, under the SOP for the manufacturing sector, businesses are responsible for bearing the costs of sanitising their premises as part of their emergency response in the event someone at their workplace tests positive for COVID-19.

In relation to managing employees during the MCO and CMCO period, the Ministry of Human Resources ("MOHR") has issued FAQs recommending that wages will have to be paid to employees. Employees may be placed on annual leave, half-pay leave, and/or unpaid leave, subject to the agreement of both parties. Whilst MOHR has issued guidance in connection with treatment of employees throughout this period, the general principles of employment law in Malaysia still apply. The various FAQs and announcements issued by MOHR are intended to be guiding principles and best practices for employers during this period but do not have the force of law. Nevertheless, MOHR's guidance is persuasive and important to consider as any complaints of constructive dismissal are first lodged with MOHR, which has the discretion to refer the matter to the Industrial Court.

It should also be noted that the treatment and rights of employees throughout this period is a fluid topic and information is often made available through press statements and announcements by ministers. For example, on 5 May 2020, Datuk Seri Ismail Sabri Yaakob (Senior Minister for Security) announced that the Social Security Organisation ("SOCSO") will bear the costs for COVID-19 screenings for foreign workers who have been

contributing to the organisation. Following that announcement, SOCSO established the Prihatin Screening Programme ("PSP"). Under the PSP, employees can undergo COVID-19 testing free of charge provided that they are registered with SOCSO and making the relevant contributions under the Employees' Social Security Act 1969. On 13 May 2020, MOHR announced that the PSP will be focused on the screening of foreign workers in the construction sector and security services industry with operations in Selangor and Federal Territory of Kuala Lumpur only.

As such, it is important for employers to keep up to date with the daily press briefings and news on this matter.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

Employers should keep themselves up to date with the restrictions imposed under the CMCO Regulations and such other standards of operation issued by the relevant ministries from time-to-time.

Contravention of the CMCO Regulations or any direction of the Director General of Health is an offence under the CMCO Regulations. Any person who does not comply with the CMCO Regulations commits an offence and shall, on conviction, be liable to a fine of up to RM1,000 and/or to imprisonment for a term of up to six months. Where an offence is committed by a company, a person responsible for the management of the company ("**Management Personnel**") at the time of the commission of the offence may be charged severally or jointly in the same proceedings with the company. Upon conviction of a company, the Management Personnel shall be deemed to be guilty of the same offence and shall be liable to the same punishment or penalty as an individual, unless the Management Personnel proves that (i) the offence was committed without his/her knowledge; and (ii) that the offence was committed without his/her consent or connivance and that he/she had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

To implement the recommendations by NSC and other regulatory bodies, businesses may consider establishing internal policies and guidelines on hygiene and best practices for this period. The precautionary measures provided under the SOPs issued by NSC include, among others:

- a. implementing social distancing and use of face masks at all times, if possible;
- b. making available hand sanitisers and ensuring that premises are sanitised at least twice a day;
- c. establishing protocols to prevent the spread of COVID-19 and educating employees on how to respond to suspected cases at the workplace; and
- d. regularly checking employees for symptoms relating to COVID-19 and keeping a record of such information.

MYANMAR



1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

Six townships in Yangon (Mayangone, Insein, Shwe Pyi Thar, Hlaing Tharyar, Mingalardon, and Botahtaung) remain under semi lock-down until 15 June 2020, pursuant to Order No. 38/2020 ("**Order**") issued by the Ministry of Health and Sport ("**MOHS**") pursuant to Article 21(b) of the Prevention and Control of Communicable Diseases Law. Under the Order, all residents are required to stay at home except for government employees, corporate employees and factory workers who have to go to their workplace. Furthermore, only one person per household is allowed to leave the house to procure essential supplies, and only two persons per household are allowed to visit a clinic or hospital. All individuals are required to wear masks upon leaving their homes. Except for those who are travelling to and from work, travel into and out of these townships will not be allowed.

The National-Level Central Committee for Prevention, Control and Treatment of COVID19 announced on 28 May 2020 that the statements to the public, orders, notifications and directives (excluding eased restrictions) of the Union Government will be extended to 15 June 2020.

2. Are businesses open and functioning during these Restrictions?

Offices are open and functioning amid COVID-19 in Myanmar, subject to the MOHS instruction issued on 19 April 2020 that all employees that can work from home are to work from home. For employees that are required to be in the office or workplace, such employees shall practice the following Physical Distancing Guidelines, which include:

- a. imposing a distance of six feet between employees in the workplace;
- b. having markings in the workplace to indicate a distance of six feet;
- c. rearranging the office to prevent employees facing each other;
- d. limiting face-to-face time/meetings to 15 minutes;
- e. practising cohorting (assigning employees on different shifts); and
- f. changing/shifting office hours and lunch hours to minimise group contact.

3. If businesses are not allowed to open, how long is this situation expected to last?

Not applicable as businesses remain open.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

On 3 May 2020, the Ministry of Labour, Immigration and Population ("**MOLIP**") issued an Announcement on COVID-19 concerning factories and businesses. In this statement, MOLIP set out categories of essential businesses and public services which can remain open by adhering to MOHS directives on the COVID-19 protection and containment process during this pandemic:

a. Essential businesses

- i. State-owned factories, workshops and businesses;
- ii. Water distribution;
- iii. Electricity and fuel production and distribution;
- iv. Firefighting services;
- v. Private hospitals, clinics and health services; and
- vi. Communication, information and technological services.

b. Public services

- i. Transportation, warehouses and wholesale centres;
- ii. Ports, cargo transportation and logistics;
- iii. Import, export and trade services;
- iv. Municipal development services;
- v. Banking and financial services;
- vi. Insurance companies and companies without goods production;
- vii. Job agencies;
- viii. Information services;
- ix. Tollgates, road and bridge toll collection services; and
- x. Hotels, motel and accommodation services.

c. Essential public services

- i. Printing and publishing services;
- ii. Mineral and natural resources services;
- iii. Chemical-based services;

- iv. Construction services; and
- xii. Fish and prawn breeding, catching, and freezing services.

On 19 April 2020, MOLIP issued an Announcement for Factories, Workshops and Workplaces in relation to reopening amid COVID-19. Offices fall under "workplaces" under this Announcement. The Announcement stated that factories, workshops and workplaces will not be allowed to operate unless they satisfy the criteria issued by MOHS on 19 April 2020, and included the following list of requirements:

- a. permitting employees who are sick and showing symptoms of COVID-19 to go for testing at a medical centre;
- b. providing sufficient ferries for the employees and supplying necessary masks, tissues and hand sanitisers on the ferries;
- c. arranging a distance of six feet between employees, providing contactless thermometers or thermal scanners at the entrance of the workplace, and replacing the use of fingerprint scanners with manual signing in;
- d. providing sufficient masks and gloves;
- e. keeping a record of every daily worker and their address for urgent matters;
- f. providing hand sanitisers, installing foot pedal sinks if possible, and displaying hand-washing posters on keeping the entrance, dining room, and restroom hygienic;
- g. arranging for employees to work and eat six feet apart;
- h. cleaning the facilities used by employees to prevent infection;
- i. preparing a list of quarantined and social security insured employees to inform the relevant staff and medical centre; and
- j. informing the relevant staff if a family member of an employee is suspected to have contracted COVID-19.

MOHS has issued additional guidelines from 19 April 2020 to 18 May 2020 in relation to markets, shopping

centres, vehicles and highway gates (including the bus/express lanes), restaurants, shopping malls, supermarkets, take-away shops, and home delivery services.

Markets, shops and restaurants (Guidelines issued on 21 April 2020): Only one person per family is allowed to go outside and purchase groceries. They must wear masks and stay six feet apart from others.

Shopping malls, supermarkets, take-away shops and home delivery services (Guidelines issued on 4 May 2020): Shop owners, workers and delivery personnel are not allowed to come to work if they feel sick. They must wear face masks and face shields and maintain a distance of at least two metres or six feet between workers, sellers, and buyers.

Vehicles and highway gates (Guidelines issued on 11 May 2020): Vehicle owners, drivers and passengers are not allowed to be on board if they feel unwell and have COVID-19 symptoms. At bus-stops, passengers are requested to wait six feet apart and avoid sitting close to other passengers when aboard.

Restaurants: Plastic shields must be interposed between each person, while disposable plates, cups, and cutlery must be used. Hand sanitisers with 60% alcohol must be available for easy use by customers and employees.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

Upon making preparations to satisfy the above criteria in our answer to Question 4, employers are to file a request to their relevant labour office that their workplaces have satisfied the criteria as per the MOHS announcement and are ready for inspection. Workplaces can open once MOHS has conducted its inspection and considered the workplace satisfactory for reopening. There is yet to be any indicative penalty for an office or workplace carrying out business activities or reopening without satisfying the criteria issued by MOHS, but there is a risk that MOHS would order such workplaces to be closed.

PHILIPPINES



1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

President Rodrigo Duterte placed the National Capital Region under community quarantine initially from 15 March 2020 to 14 April 2020. This community quarantine has since been extended both as to length and area.

Currently, there are four possible levels of community quarantine – Enhanced Community Quarantine ("**ECQ**"), Modified Enhanced Community Quarantine ("**MECQ**"), General Community Quarantine ("**GCQ**"), and Modified General Community Quarantine ("**MGCQ**"), with the ECQ being the most stringent.

Under the ECQ, MECQ, and GCQ, the movement of people outside their homes is limited to accessing essential goods and services, and for work in offices or establishments that are allowed to operate. Under the MGCQ, all persons would be allowed outside of their homes without conditions.

The National Capital Region is scheduled to be placed under the GCQ beginning 1 June 2020. Other areas will be placed under different types of community quarantine depending on the assessed risk.

2. Are businesses open and functioning during these Restrictions?

Selected workplaces which are considered as essential (e.g. food and medicine manufacturing and processing plants, delivery services, and banks) are allowed to operate under the ECQ in varying capacities. More workplaces are allowed to open in varying capacities under other forms of community quarantine (e.g. professional services and essential construction projects).

All other establishments are allowed to operate under work from home arrangements.

3. If businesses are not allowed to open, how long is this situation expected to last?

All quarantines are set to last until 15 June 2020. Whether or not they would be extended in their original or modified forms depends on the prevailing circumstances. The quarantines have been extended twice before the latest extension.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

Whether or not a particular office is allowed to open (and to what extent) depends on the type of quarantine in place and whether it falls under the workplace/industry allowed to operate under that quarantine.

Employers are directed to comply with the prescribed health and safety protocols (e.g. daily questionnaires, temperature checks, mandatory wearing of face masks, and physical distancing).

Employers are also required to, among other things:

- a. provide the necessary company policies for the prevention and control of COVID-19, including a policy for COVID-19 testing, in consultation with workers;
- b. provide resources and materials needed to keep the workers healthy and the workplace safe, including personal protective equipment, sanitisers, soaps, disinfectants, and testing kits;
- c. designate a safety officer to monitor COVID-19 prevention and control measures;
- d. enhance the health insurance provision for workers;
- e. where feasible, provide shuttle services and/or decent accommodation on near-site location to lessen travel and movement of people;
- f. hire from the local community;
- g. set up a COVID-19 Hotline and Call Center for employees; and
- h. submit a monthly report of illness, diseases and injuries to the Department of Labour and Employment ("**DOLE**") and the Department of Health.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

The Philippines has enacted the Republic Act 11058 (An Act Strengthening Compliance with Occupational Health

and Safety Standards and Providing Penalties for Violations Thereof). It provides for steep penalties for non-compliance with prescribed safety and health standards. Employers may also be held liable for damages in case of the death, injury, or illness of employees.

Alternative work arrangements that limit physical interaction, such as work from home and shift scheduling are among the measures that could be implemented.

SINGAPORE



1. Is your jurisdiction under some form of movement control restrictions, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

The Singapore government has imposed a set of "circuit breaker" measures to curb the spread of COVID-19 from 7 April 2020 to 1 June 2020.

Individuals should not leave their place of residence or meet members of their extended family who are living in another household. Individuals can only leave their home for the following essential activities:

- a. sending their child/ren to childcare if the parents are essential service providers;
- b. obtaining essential goods and services (e.g. food, groceries);
- c. exercising alone or with others living in the same household, in green or open spaces;
- d. seeking medical help;
- e. moving house; or
- f. complying with legal requirements etc.

It is mandatory for all individuals to wear a mask when they leave the house, except for those engaging in strenuous exercises like running and jogging.

Previously, residents living in strata-titled residential buildings like condominiums were not allowed to exercise within common areas. However, from 5 May 2020 onwards, these restrictions have been lifted. Enforcement officers, Management Corporations and Managing Agents of such estates must do their part to ensure safe distancing measures are followed. Sports and recreational facilities (e.g. playgrounds, swimming pools, gyms) must remain closed.

After 1 June 2020, some measures will be relaxed – please see Question 3 below.

Businesses

During the "circuit breaker" period, certain essential services are allowed to operate, but all activities that can take place through telecommuting must be done from home unless it is not reasonably practicable to do so. Essential service sectors include: health and social services, food and beverage, energy, environmental, transportation, information or communication, defence, construction for critical public infrastructure, manufacturing, banking, and limited legal services etc. For businesses that can continue operating, they should

adhere to the safe distancing measures described in Question 4 below.

However, not all establishments falling within the aforementioned sectors are allowed to operate. For instance, food and beverage establishments that sell mainly beverages and desserts will be closed. These restrictions are being lifted progressively – please see Question 3 below.

All food outlets must offer takeaway and delivery only. If individuals may form a queue or wait in an area in the premises for any reason, the business must ensure that every individual in the queue or area is at least one metre away from any other individual in the queue or area.

Schools

All schools have been on full home-based learning from the beginning of the circuit breaker period until 30 April 2020. In Singapore, school holidays are usually in the month of June. In light of the extended circuit breaker period, the Ministry of Education ("MOE") has brought forward the June school holidays to begin from 4 May 2020 instead. Face-to-face lessons will progressively resume on 2 June 2020 – please see Question 3 for further details.

Pre-school and student care services will continue to be closed during the circuit breaker period, but will provide limited services for children whose parents are both working in essential services.

2. Are businesses open and functioning during these Restrictions?

As mentioned above, only essential service providers are able to operate during the circuit breaker period. Non-essential services may continue work via telecommuting only.

3. If businesses are not allowed to open, how long is this situation expected to last?

On 19 May 2020, the Ministry of Health ("MOH") announced that Singapore will be exiting the circuit breaker period on 2 June 2020 as scheduled. The exit will take place in three phases, termed "Safe Reopening", "Safe Transition", and "Safe Nation".

Phase One, Safe Reopening, will commence on 2 June 2020 and was originally anticipated to last for a minimum of four weeks. The government has since indicated on 28 May 2020 that Phase One *may* be shortened if community transmission rates remain low.

Phase One will see a resumption of some economic activity, particularly for businesses posing a low risk of transmission such as offices and manufacturing companies. However telecommuting must still be implemented where possible.

Seminars and all conferences and exhibitions that involve in-person participation are prohibited.

Schools will gradually reopen, with priority for face-to-face lessons given to graduating cohorts while other levels will alternate between home-based learning and lessons on campus. Retail outlets will largely remain closed, and social gatherings are strictly prohibited with few exceptions.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

Employers of essential services businesses are to comply with the provisions of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 ("Regulations"). The Regulations include reducing physical interactions by enforcing safe distancing at the workplace, staggering work hours and breaktimes, and a prohibition on cross-deployment of staff across teams and worksites. Employees should wear a mask at work and avoid gatherings at staff canteens or going out in groups during lunch breaks.

Essential service providers must also submit details of their plans for enhanced safe distancing measures which, as far as reasonably practical, must include:

- a. ensuring natural ventilation;
- b. taking body temperatures of staff and patrons;
- c. obtaining and keeping contact details for contact-tracing measures; and
- d. refusing entry to anyone who displays symptoms relating to COVID-19 etc.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

As mentioned above at Question 4, employers which are essential services businesses must comply with the Regulations. Pursuant to Section 34(1) of the COVID-19 (Temporary Measures) Act 2020, a person who, without reasonable excuse, contravenes a control order, commits an offence and shall be liable on conviction: (a) to a fine not exceeding S\$10,000 or to imprisonment for a term not exceeding six months or to both; or (b) in the case of a second or subsequent offence, to a fine not exceeding S\$20,000 or to imprisonment for a term not exceeding 12 months or to both.

THAILAND



1. Is your jurisdiction under some form of movement control restriction, whether full or partial ("**Restrictions**")? If so, what Restrictions are in place?

The Thai government announced an Emergency Decree which applies to all areas in Thailand from 26 March to 30 June 2020 ("**Emergency Decree**"). The government will also, from time to time and as deemed appropriate, issue notifications and regulations under the Emergency Decree setting out certain restrictive measures in order to prevent and suppress the spread of the disease.

The following are examples of the measures in place currently:

- a. A nationwide curfew is in place, prohibiting people from leaving their homes between 11 pm to 4 am of the following day (except for specific exceptions such as medical staff).
- b. Schools are closed and prohibited from conducting mass gathering activities. The Governor of Bangkok or Provincial Governors have the power to consider relaxing the prohibition on the use of schools for carrying out activities of public interest only, or assisting or fostering orphans or impoverished children.
- c. Mass gathering activities such as events and seminars are prohibited.
- d. Incoming flights and other means of transport are banned (except for specific exceptions such as cargo and repatriation flights).
- e. Most places and activities for which the Governor of Bangkok and Provincial Governors have previously issued orders to close temporarily may open to carry out certain activities, subject to the implementation of disease prevention measures as prescribed by the Government. For example, restaurants, food courts, canteens or cafes (excluding pubs and bars) may open, but the consumption of liquor or alcoholic beverages on the premises is still prohibited. Shopping centres, excluding cinemas, bowling alleys, game arcades or other similar recreation areas, may open until 8 pm. Beauty clinics may open only for body and skincare services, but not for facial care. Fitness centres not located inside shopping centres may open only for yoga or in respect of free weights sections, while the use of

exercise equipment or group exercise is prohibited. Meeting rooms in hotels or convention centres may open only where the number of participants is limited.

- f. Certain businesses are still compelled to cease operations temporarily (for example, cinemas, karaoke shops, amusement parks, water parks, zoos, gaming centres, and traditional Thai massage parlours).
- g. People should refrain from or delay non-essential cross-provincial travels. If a person needs to make a cross-provincial trip, he/she is required to obtain permission from the relevant provincial governors, undergo screening, and comply with official disease prevention measures.

2. Are businesses open and functioning during these Restrictions?

Yes. Offices and businesses are allowed to stay open if their business does not fall within the list of businesses compelled to cease operations temporarily as mentioned in paragraph f at Question 1 above.

3. If businesses are not allowed to open, how long is this situation expected to last?

In respect of businesses which are still compelled to cease operations temporarily, the situation will continue until the government deems that it is appropriate to relax the restrictions. There is no date set for the reopening of these businesses at present.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

If the employer's business does not fall within the list of businesses compelled to cease operations temporarily or to reopen and operate with certain conditions as mentioned in paragraphs (e) and (f) at Question 1 above, the employer is permitted to continue its business operations as usual (subject to the nationwide curfew in place from 11 pm to 4 pm of the following day, which means that an employer would not be able to assign an employee to perform tasks during those hours). The government will in due course issue guidelines for the

reopening of those businesses that have been ordered to cease temporarily.

An employer that has been ordered to cease business temporarily is not required to pay wages unless the employer requests an employee to work on certain functions (e.g. accounting or office administration by working from home), in which case the employer would be required to pay the wages normally paid.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

The Emergency Decree imposes disease prevention measures ("**Measures**") to be applied generally, as follows:

- a. Surfaces of relevant places must be cleaned before commencing operations, and waste must be disposed of on a daily basis.
- b. Employees, customers, guests, and participants must (i) wear surgical masks or cloth masks; (ii) wash their hands with soap, alcohol, gel or disinfectant; and (iii) keep a distance of at least one metre from others while sitting or standing to prevent physical contact or the spread of the disease through saliva droplets.
- c. The number of participants must be limited to prevent overcrowding or the reduction of the time spent on activities as necessary on the basis of avoidance of physical contact.

For owners of places that are permitted to reopen following the Government's relaxation as mentioned in paragraph e at Question 1 above, they have the obligation to implement the Measures in accordance with the recommendations, conditions and timeframes determined by the Governor of Bangkok, Provincial Governors, or the Government (e.g. to clean floors and surfaces that people come into contact with frequently; to ensure that staff and customers wear surgical masks or cloth masks; and to enforce a minimum one metre distance between tables and seats). Competent officials may inspect such places and give recommendations or warnings, or order the temporary closure of a place that is in breach of the Measures.

VIETNAM



1. Is your jurisdiction under some form of movement control restrictions (whether full or partial) ("**Restrictions**")? If so, what Restrictions are in place?

In Vietnam, there have been several movement control restrictions from time to time based on the development and control of the COVID-19 pandemic in Vietnam, for example:

- a. 31 January 2020: cessation of all festivals and flights to and from Wuhan, China, monitoring of suspected cases, and quarantining those exposed to COVID-19.
- b. 25 February 2020: cessation of entry of foreigners from affected countries, and the closure of all schools.
- c. 11 March 2020: cessation of all visa exemptions for foreigners, compulsory quarantine for foreigners from affected countries, minimisation of flights to and from affected countries, and cessation of international visits.
- d. 17 March 2020: suspension of visa issuance to all countries for 30 days.
- e. 21 March 2020: cessation of entry of all foreigners.
- f. 27 March 2020: cessation of all events and gatherings of more than 20 people, enforcing a distance of two metres between each person, cessation of unnecessary business, restriction of movement between cities, and temporary suspension of operation of service establishments except for essential goods.
- g. 1 April to 15 April 2020: strict application of social distancing measures nationwide. More restrictions have been imposed, including:
 - i. requiring all individuals to stay at home, except for purchasing essential goods such as food and medicine, emergencies, and going to work at factories and businesses that remain open;
 - ii. enforcing a distance of two metres between individuals, and prohibiting gatherings of more than two people in all public places, and outside/in front of workplaces, schools, and hospitals;

- iii. ensuring a safe distance between employees of factories/workshops, who are required to wear face masks;
- iv. requiring all State agencies to arrange for their staff to work from home;
- v. suspending all public transportation services and minimising travel/transport between cities and regions, except for official tasks, provision of food and essential consumables, transportation of workers and specialists of enterprises, and transportation of raw materials for production; and
- vi. the temporary closure of border crossings between Vietnam and Cambodia, and Vietnam and Laos from 1 April 2020, strict control over international border crossings, and a mandatory quarantine of 14 days for all incoming travellers from Cambodia and Laos.

- h. The Government extended the social distancing measures until 22 April 2020 for provinces at moderate risk (including Hai Phong, Binh Duong etc.) and provinces at high risk (including Hanoi, Ho Chi Minh City, Da Nang, Bac Ninh etc.).

From 23 April 2020, the Government has loosened the social distancing measures given the decrease of COVID-19 cases. Most business activities and the operation of establishments and offices are allowed to be restarted, except for certain businesses providing non-essential services. The continuing movement control restrictions are set out below.

For provinces at high risk:

- a. all individuals are required to stay at home, except for purchasing essential goods such as food and medicine, emergencies, and going to work at factories and businesses that remain open;
- b. enforcing a distance of two metres between individuals and the wearing of face masks, and prohibiting gatherings of more than two people in all public places and outside/in front of workplaces, schools, and hospitals; and

- c. ensuring a safe distance between employees of factories/workshops, who are required to wear face masks.

For provinces at moderate risk:

- a. people are recommended not to go out unless necessary, and encouraged to take preventive measures;
- b. prohibition on gatherings of more than 20 people in public places, outside the workplace or in hospital and schools; and
- c. ensuring a minimum distance of one metre between individuals.

For provinces at low risk:

- a. people are encouraged not to go out for unnecessary purposes and to take preventive measures;
- b. prohibition on gatherings of more than 30 people in public places, outside the workplace or in hospital and schools; and
- c. ensuring a minimum distance of one metre between individuals.

Overall, the Government still prohibits the reopening of festive activities, religious ceremonies, sports tournaments, crowded events in public places, stadiums, and other unnecessary anniversary events.

All flights and the entry of all foreigners is still prohibited, except entry for diplomatic and public service purposes. The issuance of visas for foreigners entering Vietnam (other than for diplomatic and public service purposes) and work permits for foreigners working in Vietnam is still postponed. Everyone entering Vietnam is required to undergo mandatory quarantine for 14 days.

2. Are businesses open and functioning during these Restrictions?

Before 1 April 2020, all offices were open and functioning normally.

During the strict social distancing period (from 1 April 2020 to 15 April 2020 for all provinces, and up to 22 April 2020 in 28 provinces which were at moderate and high risk), only the following offices were allowed to operate:

- a. Factories and production establishments;
- b. Traffic sites and construction sites;
- c. Businesses providing essential services and goods (e.g. foods, pharmaceuticals; oil and gas; electricity; water; fuels etc.);
- d. Educational establishments, banks, state treasuries; and
- e. Business establishments directly related to banking activities and corporate services (e.g. notary services, law offices, registry offices, security transaction registration offices etc.), securities, post and communications, supporting services for transportation, import and export of goods, medical examinations and treatment, and funerals etc.

From 23 April 2020 onwards, the business activities/operation of most establishments/offices have been permitted to reopen. This extends to non-essential services such as amusement and entertainment parks and beauty clinics – however, karaoke outlets and bars must remain closed.

3. If businesses are not allowed to open, how long is this situation expected to last?

As stated in our answer to Question 2 above, karaoke outlets and bars remain closed subject to the discretion of the Provincial People's Committees. For now, there is no clear indication on when the restrictions over these businesses will be lifted.

4. What conditions need to be in place to allow businesses to open and continue to function and what are employers' legal obligations in this situation?

Currently, plants and production establishments that are allowed to operate must implement measures to protect their employees and workers.

The service business establishments (including distribution establishments, hotels, accommodation places, restaurants, sports businesses etc.) which are allowed to operate must also strictly implement protection measures to prevent COVID-19, such as:

- a. providing protective equipment for employees;
- b. measuring the body temperature of incoming guests/employees;
- c. providing adequate means and supplies to wash hands and disinfect establishments; and
- d. ensuring safe distancing between people.

5. What is the risk to employers who reopen their premises for business? What additional measures should employers take to manage their liabilities?

While the social distancing measures have been loosened from 23 April 2020, the COVID-19 pandemic is not completely over yet.

With a view to the reopening of businesses, employers should take occupational safety and hygiene at the workplace seriously. Employers should have in place a practical plan for tackling the pandemic situation and inform employees about the health and safety measures in place.

KEY CONTACTS

Cambodia



Heng Chhay
R&T Sok & Heng Law Office
Managing Partner

T +855 23 963 112 /113
E heng.chhay@rajahtann.com

China



Linda Qiao
Rajah & Tann Singapore LLP
Shanghai Representative Office
Senior International Counsel

T +86 21 6120 8818
E linda.qiao@rajahtann.com

Indonesia



Ahmad Maulana
Assegaf Hamzah & Partners
Head, Employment

T +62 21 2555 7800
E ahmad.maulana@ahp.id

Lao PDR



Lee Hock Chye
Rajah & Tann (Laos) Co., Ltd.
Managing Partner

T +603 2273 1919
E hock.chye.lee@christopherleeong.com

Malaysia



Yau Yee Ming
Christopher & Lee Ong
Partner, General Corporate Commercial

T +601 7362 3459
E yee.ming.yau@christopherleeong.com

Myanmar



Min Thein
Rajah & Tann Myanmar Company
Limited
Managing Partner

T +959 7304 0763
E min.thein@rajahtann.com

Philippines



Cesar E. Santamaria, Jr.
Gatmaytan Yap Patacsil Gutierrez
& Protacio (C&G Law)
Partner, Labor and Employment

T +632 894 0377 to 79
E cesantamaria@cagatlaw.com

Singapore



Desmond Wee
Rajah & Tann Singapore
Head, Employment & Benefits (non-
contentious)

T +65 6232 0474
E desmond.wee@rajahtann.com

Thailand



Teoh Sui Lin
R&T Asia (Thailand) Limited
Deputy Managing Partner

T +66 2656 1991
E sui.lin.teoh@rajahtann.com

Vietnam



Vu Thi Que
Rajah & Tann LCT Lawyers
Co-founder

T +84 28 3821 2382
E que.vu@rajahtannlct.com

OUR REGIONAL CONTACTS

RAJAH & TANN | *Singapore*

Rajah & Tann Singapore LLP

T +65 6535 3600
F +65 6225 9630
sg.rajahtannasia.com

R&T SOK & HENG | *Cambodia*

R&T Sok & Heng Law Office

T +855 23 963 112 / 113
F +855 23 963 116
kh.rajahtannasia.com

RAJAH & TANN 立杰上海 SHANGHAI REPRESENTATIVE OFFICE | *China*

Rajah & Tann Singapore LLP Shanghai Representative Office

T +86 21 6120 8818
F +86 21 6120 8820
cn.rajahtannasia.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800
F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550
F +62 31 5116 4560
www.ahp.id

RAJAH & TANN | *Lao PDR*

Rajah & Tann (Laos) Co., Ltd.

T +856 21 454 239
F +856 21 285 261
la.rajahtannasia.com

CHRISTOPHER & LEE ONG | *Malaysia*

Christopher & Lee Ong

T +60 3 2273 1919
F +60 3 2273 8310
www.christopherleeong.com

RAJAH & TANN | *Myanmar*

Rajah & Tann Myanmar Company Limited

T +951 9345 343 / +951 9345 346
F +951 9345 348
mm.rajahtannasia.com

GATMAYTAN YAP PATACSIL GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*

Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)

T +632 8894 0377 to 79/ +632 8894 4931 to 32
/ +632 8552-1977 to 78
F +632 552 1978
www.cagatlaw.com

RAJAH & TANN | *Thailand*

R&T Asia (Thailand) Limited

T +66 2 656 1991
F +66 2 656 0833
th.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

Rajah & Tann LCT Lawyers

Ho Chi Minh City Office

T +84 28 3821 2382
F +84 28 3520 8206

Hanoi Office

T +84 24 3267 6127
F +84 24 3267 6128
www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in South-East Asia. Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

DISCLAIMER

The contents of this guide are owned by the member firms of Rajah & Tann Asia and subject to copyright protection under the laws of Singapore and, through international treaties, other countries. No part of this guide may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of the respective member firms of Rajah & Tann Asia.

Please note also that whilst the information in this guide is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. It is to your advantage to seek legal advice for your specific situation.

For more information, please feel free to contact the Singapore team in the first instance.