

Coronavirus information 20 March 2020

Information for cleaning staff

What consequences does the current situation have for cleaning staff working in public service? Answers to key questions

The number of coronavirus cases in Switzerland is growing. As the virus continues to spread, increased restrictions are being placed on everyday life and work. What consequences does this have for employees?

I need to look after a sick child. Am I allowed to stay at home?

In principle, parents are allowed to take three days off (and sometimes longer, in public hospitals) to look after unwell children if they submit a doctor's certificate. If the employment contract does not regulate whether wage payments are to be continued in this instance, looking after unwell children is treated as an inability to work pursuant to Art. 324a of the Code of Obligations, or in other words, the inability to undertake work through no fault of the employee. As a result, the employer is obliged to continue to pay the employee's wages.

Independent of this payment, parents can stay at home for a longer period of time to look after their child if there is no other solution. Generally, they will not receive their wages in this instance.

However, in the case of a highly contagious pandemic, it makes little sense for a person to care for someone who is unwell and return to work three days later, infecting other people. **As a result, VPOD is requesting that wages continue to be paid for longer than the three-day period.**

My children's nursery or school has been closed and I have nobody who can look after them. Am I allowed to stay at home?

Parents are statutorily obliged to look after their children (Art. 276 of the Civil Code). If parents are unable to work through no fault of their own, their employer must continue to pay their wages for a limited period of time, on the basis of Art. 324a of the Code of Obligations. Nevertheless, parents must try to prevent further absences through suitable organisation.

However, in the case of a pandemic, it makes little sense to organise other collective forms of care (such as sharing childcare with other parents). **As a result, VPOD is requesting that wages continue to be paid for the period of time that nurseries or schools are closed.**

I am employed as a hospital cleaner on a permanent contract and have been instructed to work extra hours. Is my employer allowed to do that?

In exceptional circumstances, employees can be obliged to work overtime if the following conditions are met (Art. 321c para. 1 of the Code of Obligations):

1. Necessity: the overtime needs to be necessary. For example, this could be because there is an exceptional amount of work or the work is urgent.
2. No excessive demands placed on the employee's physical and mental capabilities: the completion of overtime cannot place an excessive demand on the employee's physical and mental capabilities.
3. Reasonableness: overtime must be reasonable for the employee, in good faith. For part-time employees, an assessment of reasonableness must take into account any care obligations they may have alongside their part-time position. In this instance, they should not be instructed to work extra hours.
4. Compliance with the provisions of the Labour Act regarding working hours and rest periods.

I am a hospital cleaner, working on an hourly basis/as a part-time employee. Can I be instructed to work extra hours?

Yes, the regulation above also applies to part-time employees and employees paid by the hour. But, and as stated, if you have care obligations or even if you have agreed fixed days in your employment contract for planning reasons relating to family obligations, extra hours cannot be considered reasonable.

I am a hospital cleaner and am worried about catching the virus. Can I refuse to work?

No. However, your employer needs to provide you with correct, appropriate equipment for every application. In hospitals, we are requesting the same conditions that apply to nursing staff in this regard. Cleaning staff who clean isolation departments, in particular, need to have adequate personal protective equipment and face masks.

In addition, VPOD requests that people over 60 and those with pre-existing health conditions not be permitted to work in or clean isolation departments, and that the maximum weekly working time is not exceeded.