

# COVID-19 Weekly Report

1 – 7 June 2020

## Table of Contents

1. Executive summary.....	3
2. Content snapshot.....	4
2.1. Chart 1: Work areas with most COVID-19 content published since 27 February 2020.....	4
2.2. Chart 2: Jurisdictions with most COVID-19 content published since 27 February 2020.....	5
3. Key legal issues this week.....	6
4. Expert commentary.....	7
4.1. Africa & the Middle East.....	7
4.1.1. Corporate & Commercial.....	7
4.1.2. Employment & Immigration.....	7
4.2. Asia-Pacific.....	8
4.2.1. Competition & Antitrust.....	8
4.2.2. Employment & Immigration.....	8
4.3. Europe.....	8
4.3.1. Competition & Antitrust.....	8
4.3.2. Employment & Immigration.....	9
4.3.3. Litigation.....	9
4.4. Latin America & the Caribbean.....	10
4.4.1. Litigation.....	10
4.4.2. Private Client & Offshore Services.....	10
4.5. North America.....	10
4.5.1. Employment & Immigration.....	10
4.6. United Kingdom & the Channel Islands.....	11
4.6.1. Employment & Immigration.....	11
4.6.2. Insolvency & Restructuring.....	11
5. About ILO.....	12
5.1. Contact us.....	12

## 1. Executive summary

The continued easing of lockdown restrictions has spurred a number of employment-related concerns in relation to both employees' obligations to return to work and employers' duties of care within and outside the workplace. While litigation on many of the legal conundrums raised by COVID-19 is expected, employers will likely have to make practical decisions about how to mitigate any risks before the outcome of such litigation is known.

As we begin to look forward, clear return-to-work policies and procedures which focus on keeping employees safe from infection will be imperative for all businesses looking to avoid potential disputes.

The next section summarises some of the most pressing legal issues faced by our in-house counsel audience over the past week.

We endeavour to develop and refine the content of these weekly reports over time to ensure utmost relevance and usefulness to readers' daily practice. As such, we invite you to send any feedback on how the scope of future editions can be improved to [admin@internationallawoffice.com](mailto:admin@internationallawoffice.com).

### **Make your voice heard – take our survey now!**

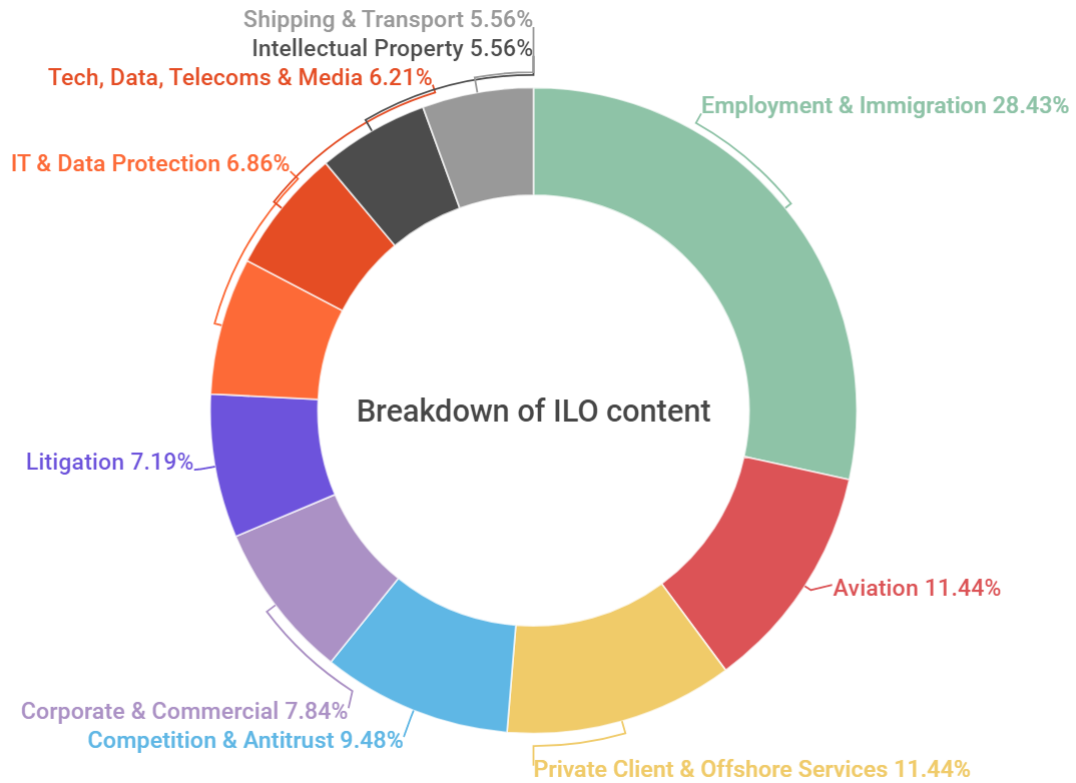
The aim of the survey is to better understand what corporate counsel need in terms of content and support around the COVID-19 pandemic, and to ensure that we continue to offer a high standard of legal information at this challenging time.

[www.surveymonkey.co.uk/r/6DQ8JCG](https://www.surveymonkey.co.uk/r/6DQ8JCG)

## 2. Content snapshot

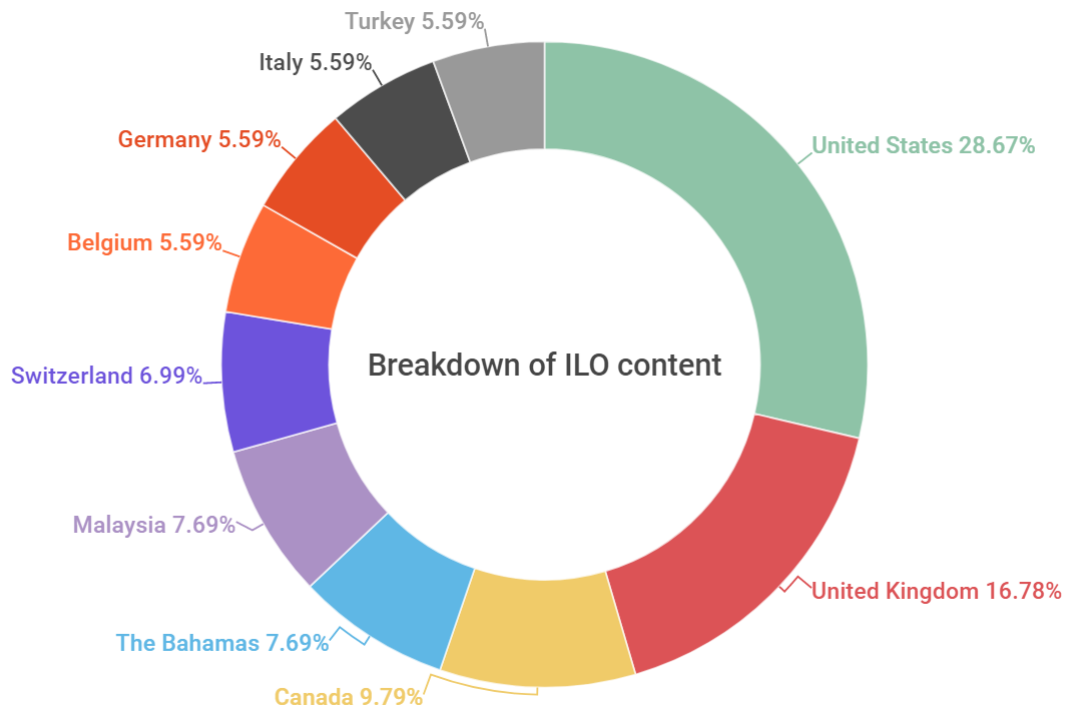
### 2.1. Chart 1: Work areas with most COVID-19 content published since 27 February 2020

Chart 1 provides a summary of the 10 ILO work areas with the most COVID-19 content published between 27 February and 7 June 2020. Employment & Immigration continues to have the most published content to date. Notably, Intellectual Property has knocked Healthcare & Life Sciences off the list.



## 2.2. Chart 2: Jurisdictions with most COVID-19 content published since 27 February 2020

Chart 2 provides a summary of the 10 ILO jurisdictions with the most COVID-19 content published between 27 February and 7 June 2020. The United States and the United Kingdom have the most published content to date; this week, The Bahamas surpassed Malaysia in terms of published content.



### 3. Key legal issues this week

1

**RETURN-TO-WORK POLICIES:** While there has been a general decline in the number of COVID-19 cases, the risk of infection remains and some employers may be faced with parts of their workforce refusing to return to work or perform certain assignments, citing the health risk. Businesses experiencing such challenges will need to adapt their policies and clearly understand their obligations with regard to both unionised and non-unionised employees.

2

**HEROES ACT AND FCRA AMENDMENTS:** The US Senate looks set to reject the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act in its current form, partly due to the proposed amendments to the Fair Credit Reporting Act (FCRA) which, although well intentioned, could have dire consequences if implemented. The bill, which affords \$3 trillion in relief to consumers and businesses affected by COVID-19, could be a lifeline for many businesses.

3

**SCOPE OF DUTY OF CARE:** As more employees return to work, the question has arisen as to what extent employers' duty of care covers risks posed to employees while they are outside the workplace – in particular, during their commute to work. Practical decisions about how to mitigate any risks must be made now to avoid future litigation or liability.

## 4. Expert commentary

Over the past seven days ILO's panel of expert international legal commentators have written about recent legislative and regulatory guidance. Produced in partnership with a team of specialised editors, ILO content provides readers with easy-to-digest insight into how COVID-19 is affecting a specific work area and jurisdiction from a single thought leader in each jurisdiction.

If you would like to submit a question to the ILO panel, please email [admin@internationallawoffice.com](mailto:admin@internationallawoffice.com).

### 4.1. Africa & the Middle East

#### 4.1.1. Corporate & Commercial



#### **COVID-19: impact on contractual obligations**

Lebanon - *Obeid Law Firm*

The COVID-19 pandemic has highlighted the importance of using *force majeure* to repudiate the performance of burdensome contractual obligations that were undertaken before the pandemic. This article discusses Lebanon's approach with regard to the COVID-19 outbreak and its potential characterisation as a *force majeure* event by discussing recent developments and the general framework for *force majeure* under Lebanese law.

**Authors:** Zeina Obeid, Hassan Khalife

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#### 4.1.2. Employment & Immigration



#### **Employer-employee relationships amid COVID-19 pandemic**

Lebanon - *Obeid Law Firm*

The government has adopted exceptional measures to manage the spread of COVID-19. These measures have had an unprecedented impact on employers and employees, which have been adjusting to the rapidly changing situation triggered by the pandemic and the national economic crisis. Faced with the intensifying economic impact of both crises, business owners have been forced to introduce adequate changes to the way in which they work.

**Authors:** Ziad Obeid, Nadine Abi Azar

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## 4.2. Asia-Pacific

### 4.2.1. Competition & Antitrust



#### [Competition Commission adopts measures amid COVID-19 pandemic to facilitate filings and hearings](#)

*Pakistan - Vellani & Vellani*

In light of the COVID-19 pandemic, Pakistan has been under a nationwide lockdown since 23 March 2020. As such, the Competition Commission recently launched an online M&A application filing system to facilitate local and foreign stakeholders with mergers, acquisitions and joint ventures. Further, in order to continue its regular functions amid the pandemic, the Competition Commission has resumed hearings by allowing parties to participate through videoconferencing.

**Author:** Sanaya F Vachha

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### 4.2.2. Employment & Immigration



#### [New minimum wage regime](#)

*Macau - Rato, Ling, Lei & Cortés Advogados*

Amid the global COVID-19 crisis, the Legislative Assembly has approved Law 5/2020 on workers' minimum wage, which aims to protect workers and avoid overly low salaries. The new law has expressly revoked the minimum wage for cleaners and security workers in the property administration industry and is the first almost-universal regulation to set a minimum wage in Macau.

**Authors:** Pedro Cortés, Helena Nazaré Valente

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## 4.3. Europe

### 4.3.1. Competition & Antitrust



#### [State of emergency's impact on North Macedonian Competition Authority operations](#)

*North Macedonia - Schoenherr*

Owing to the state of emergency declared due to the COVID-19 pandemic, the government adopted the Regulation on the Implementation of the Administrative Proceedings Act During the State of Emergency, which affected the timeline of proceedings before the North Macedonian Competition Authority (NMCA). This article outlines the regulation's practical implications for the NMCA's operations.

**Authors:** Srdjana Petronijević, Jelena Obradović

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### 4.3.2. Employment & Immigration



#### **COVID-19: back to business after lockdown guidance for employers**

*Germany - Mayer Brown*

After several weeks of quasi-lockdown in Germany and immense public pressure to lift limitations imposed by the COVID-19 pandemic, an increasing number of companies are starting to resume their activities. For some, this means increasing the number of employees who can come in and work from a company office, rather than from their homes. For others, it means a complete restart of operations. In these situations, employers are faced with myriad legal requirements with which they must comply.

**Authors:** Hagen Köckeritz, Hasine Azim

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#### **Extraordinary employment-related measures in fight against COVID-19: regulatory update**

*Spain - CMS Albiñana & Suárez de Lezo*

The government has adopted several extraordinary employment-related measures in response to the COVID-19 pandemic. Moreover, since a state of emergency was declared, Spain's employment authorities have published countless guidelines and instructions relating to the practical application of such measures. This article summarises the key employment-related measures adopted since the state of emergency declaration.

**Authors:** César Navarro, María José Ramos, Alejandro Gil

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### 4.3.3. Litigation



#### **Debt collection during COVID-19**

*Netherlands - AKD*

The COVID-19 outbreak is greatly affecting legal matters and company wellbeing. Some companies can no longer comply with their contractual obligations, while others have become financially distressed. To ensure that creditors do not make improper use of the measures available to collect a debt or ensure recourse, the question has arisen as to whether the courts should change the way in which they assess such measures.

**Author:** Ben Reinders

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## 4.4. Latin America & the Caribbean

### 4.4.1. Litigation



#### **Grand Court successfully responds to COVID-19 challenges**

*Cayman Islands - Ogier*

The substantive hearing of a winding-up petition which was successfully conducted via videoconferencing shows that the Grand Court is responding effectively to the challenges of the COVID-19 pandemic. The Grand Court's apparent seamless adaptation to these challenging times is a testament to its well-established technological capabilities, given that judges have frequently presided over interlocutory hearings by video link from abroad in the past.

**Authors:** Jennifer Fox, Nour Khaleq

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### 4.4.2. Private Client & Offshore Services



#### **COVID-19: summary of legislation enacted in relation to corporate regulations and businesses**

*Bahamas - Lennox Paton*

In response to the COVID-19 pandemic, the governor general declared a public state of emergency and implemented the Emergency Powers (COVID-19) Regulations 2020. Pursuant to the regulations, the prime minister implemented the Emergency Powers (COVID-19) (2) Order 2020 and the Emergency Powers (COVID-19) (Special Provisions) Order 2020. This article provides a summary of the provisions contained in the orders.

**Authors:** McFalloughn Bowleg, Lenthalera Culmer

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## 4.5. North America

### 4.5.1. Employment & Immigration



#### **COVID-19: guide for US businesses**

*USA - McDermott Will & Emery*

With the COVID-19 pandemic continuing to affect every facet of life, businesses have much to consider. This article covers the provisions available to employers in the United States and the key questions that they are asking, including topics such as the Families First Coronavirus Response Act, furlough, access to the workplace, reductions in hours and employers' obligations concerning employees who are experiencing symptoms.

**Author:** Brian S Cousin

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## 4.6. United Kingdom & the Channel Islands

### 4.6.1. Employment & Immigration



#### [Sickness and sick pay – FAQs for employers as COVID-19 lockdown restrictions ease](#)

*United Kingdom - Lewis Silkin*

The government has set out its roadmap for gradually easing the COVID-19 lockdown restrictions, but as employees begin to return to work, there will continue to be many individuals who are unwell or required to self-isolate. This article answers some of the most frequently asked questions about sickness absence and sick pay during the ongoing COVID-19 pandemic, including the rules on statutory sick pay and the position of people who are self-isolating, shielding or otherwise vulnerable.

**Authors:** Karen Baxter, Bethan Carney

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#### [Government's immigration stance on frontline workers proves controversial](#)

*United Kingdom - Lewis Silkin*

The Home Office recently published an expanded list of COVID-19 frontline workers' occupations entitling them and their family members to a free and automatic one-year extension of leave. The expanded list includes biochemists, midwives and paramedics. Controversially, other frontline health and social care workers – in particular, care workers and home carers – have been excluded from the extension arrangements.

**Author:** Kathryn Denyer

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### 4.6.2. Insolvency & Restructuring



#### [COVID-19: restructuring and corporate recovery measures](#)

*Jersey - Ogier*

Most employees in the Jersey financial services industry are working from home and there has been no interruption to business continuity for the sector due to the COVID-19 crisis. Further, the Jersey Financial Services Commission has confirmed that while its physical premises are closed, a flexible business continuity strategy is being implemented. This article sets out potential insolvency reforms which may be implemented in the financial services sector with respect to local, regulated and international business.

**Authors:** Damian Evans, Bruce MacNeil

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## 5. About ILO

ILO delivers expert legal commentary, in the form of concise weekly newsletter emails, to senior corporate counsel and law firm partners worldwide. Free to receive, the ILO newsletters have been providing tailored, quality-assured updates on global legal developments to more than 72,000 registered subscribers since 1998.

ILO content is generated in collaboration with over 500 of the world's leading experts and covers more than 100 jurisdictions.

Produced in partnership with a team of specialised editors, the ILO newsletters provide editorially-driven, high-quality legal news in the form of concise, regular updates from a single leader in their field.

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