
THE RETURN OF EMPLOYEES AGAINST THE BACKDROP OF A HEALTH CRISIS...

How will you organise your employees returning to work?

As August draws to a close, it's time to prepare for the start of the new season, which will once again be orchestrated by the health crisis.

If remote working remains the norm given the current situation, a gradual return of employees to the office is desired, or at least hoped for.

In order to facilitate your staff returning to their desks, our firm can assist you with reviewing your policies, or advising your organisation on the vaccination or non-vaccination of your employees:

1. Vaccination is recommended but not statutory for the time being in Luxembourg;
2. You can't force your employees to have the vaccination;
3. You can't require an employee to inform you of his or her vaccination status;
4. You can't keep a list of vaccinated and unvaccinated employees;
5. You can't record health data, such as taking an employee's temperature upon entering the facility; and
6. You can't penalise an employee for refusing to be vaccinated.

As an employer, you are responsible for the health and safety of your employees.

As such, you must regularly assess the level of risk in your company and take the necessary measures.

It is therefore possible for you, for example, to:

1. Set up employee shifts and alternate between remote working and office-based work;
2. Distribute self-testing kits regularly for on-site presence;
3. Take employees' temperature without recording the data and, if necessary, invite your employee to take a test;
4. Allow on-site attendance for employees who present a valid certificate stating (CovidCheck system):
 - That they are fully vaccinated; or
 - That they have recovered from Covid 19; or
 - That they have a negative test from a laboratory, doctor or pharmacy or any other person duly authorised to carry out the test and produce said certificate.
5. Employees who do not wish to follow these measures or who do not have one of the three certificates mentioned above are invited to work remotely.
6. Whatever measures are contemplated, they will have to take governmental directives

into account and be updated regularly, on a case-by-case basis, but always in compliance with health precautions.

[Molitor's Media, Data, Technologies, IP team](#) are at your disposal, and can assist you so that your policies are set up in compliance with the right to protection of the personal data and labour law.