



COVID-19: Further relaxation and new measures since 01 July 2020

Since 11 May 2020, the measures in the course of the COVID-19 pandemic have been gradually relaxed. Since the last edition of *krfacts* - as of 17 June 2020 - the Federal Council has worked out further easing measures. However, on 1 July 2020, further measures to contain the coronavirus were added. These - as of 07 July 2020 - are briefly described below.

A. OVERVIEW OF GENERAL UPDATES

On 28 February 2020, the Federal Council declared the "special situation" under the Epidemics Act, followed by the "extraordinary situation" on 16 March 2020. This was scheduled to end on 19 June 2020, and since 20 June 2020 the "special situation" has been in effect again. This brings with it certain changes. For example, the cantons will once again have the authority to enact measures.

The Federal Council has reduced the minimum distance of 2 metres, which was strictly mandated in recent months, to 1.5 metres. In addition, police hours have been abolished, which means that restaurants, bars and clubs are no longer subject to the corresponding curfew. The 4-person rule in restaurants has also been abolished. There is no longer a seating obligation in restaurants and bars. The Federal Council has also again permitted events with a maximum of 1,000 people; this limit is to remain in place until at least the end of August 2020. In addition, specific requirements in the area of sport have also been lifted. For example, sports involving close physical contact such as rugby or swinging have been permitted again since 22 June 2020.

In addition to these relaxations, the Federal Council has also announced new measures, see the following comments.

B. MASKS AND QUARANTINE

On 1 July 2020, the Federal Council decided that from 6 July 2020, the wearing of a mask in public transport will be compulsory. Based on this decision, the Ordinance on Measures in the Special Situation to Combat the COVID-19 Epidemic (Covid-19 Ordinance Special Situation) entered into force. In advance, the Federal Council has always recommended the wearing of masks if the corresponding minimum distance - especially when using public transport during rush hours - could not be maintained. In order to prevent the spread of the virus a nationwide masking obligation has now been imposed. The FOPH's FAQ document points out that the wearing of scarves or other cloths does not provide sufficient protection and is therefore not accepted (Switzerland is stricter than its neighbours).

The obligation to wear a mask in public transport applies to all persons over 12 years of age, unless someone is exempt due to medical reasons. Those who do not wear a mask must leave the means of transport at the next station. If the person concerned does not comply with the request, he or she may be fined for failure to comply.

Further information on the compulsory wearing of masks in public transport can be found in [FAQ from BAG](#).

From 6 July 2020, travellers returning to Switzerland from a risk area will now be subject to quarantine: They must immediately go into quarantine for 10 days in their apartment or other suitable accommodation. In addition, they must report their entry to the competent cantonal authority within two days. There are exceptions to this rule, such as for cross-border transporters. The risk areas include - as of today - Argentina, Armenia, Azerbaijan, Bahrain, Belarus, Bolivia, Brazil, Chile, Colombia, Cape Verde, Dominican Republic, Honduras, Iraq, Israel, Israel, Kosovo, Kuwait, Moldova, Northern Macedonia, Oman, Panama, Peru, Russia, Saudi Arabia, Serbia, South Africa, Turks and Caicos Islands, Sweden, Qatar and the USA. Anyone who fails to comply with the quarantine obligation after returning to Switzerland can be sanctioned with a fine of up to CHF 10,000. The cantons are responsible for criminal prosecution.

Further information on quarantine when entering Switzerland from a risk area can be found in [FAQ from BAG](#).

In connection with the quarantine obligation, the labour law situation is particularly interesting. Detailed information on this can be found in the area of labour law under the following section C.III.

C. LABOUR LAW

I. Short-time work compensation

On 1 July 2020, the Federal Council decided to extend the maximum period for which short-time working compensation (KAE) can be paid from 12 to 18 months. The amendment to the ordinance will come into force on 1 September 2020 and will remain in force until 31 December 2021, thus enabling the companies concerned to continue to benefit from KAE support for their employees. It was also decided that the employer will have to bear the cost of a one-day waiting period. It was also decided to re-introduce the rule that overtime must take precedence over KAE as of 1 September 2020. These changes will also come into force as of September 1, 2020. Thus, until the end of August 2020, companies can apply for short-time work compensation for a maximum of twelve months within a two-year period. The extension to a further six months from 1 September 2020, i.e. to a total of 18 months, was approved in particular to counteract the threat of an increase in the unemployment rate.

II. Compensation for self-employed persons

The possibility of receiving corona compensation for self-employed persons is extended until 16 September 2020. Persons employed by their own company in the event sector who find themselves in a hardship situation can now claim Corona compensation. Since 1 June 2020, these persons are no longer entitled to KAE. They are therefore now treated in the same way as self-employed persons who are indirectly affected by the measures against the corona virus. This change is due in particular to the fact that many companies have not been able to start up their activities or have not yet been able to do so completely. Those affected do not have to take any special steps in this regard; the AHV compensation funds will resume payment of their corona virus compensation.

III. Employment law situation in case of compulsory quarantine after return to Switzerland

According to the BAG, persons who have to go into ten-day quarantine are not entitled to compensation for loss of income.

Another question is whether the employer is obliged to continue to pay wages. If an employee deliberately goes to a high-risk area, there is basically no entitlement to continued payment of wages, as the employee could be accused of fault according to the BAG and the employers' association. In certain individual cases, however, it is possible to deviate from this principle and an obligation to continue to pay wages exists. No problems should arise if the employee concerned can work in the home office after returning from the risk area. In this case there is no prevention of work. The legal uncertainties will only be removed with the decisions of the civil courts.

D. RENTAL LAW

The debate on the bearing of business rental costs during the Corona crisis seems to be gradually coming to an end. Rents are to be divided accordingly between landlord and tenant. The Federal Council sent the corresponding draft bill for consultation on 1 July 2020. The consultation period will last until 4 August 2020. Tenants will only have to pay 40 per cent of the rent for the period of the ordered closure or restriction of activities, while the landlord will have to pay the remaining 60 per cent. It is planned that the Federal Council will adopt a dispatch to parliament in mid-September 2020. A special procedure is planned so that the bill can be discussed by both chambers of parliament in the same session.

The constitutional basis for the planned federal law on rents and leases during business closures and restrictions to combat coronavirus (Covid-19; Covid-19 Business Rental Act) will be Article 100 BV on economic policy.

E. HEALTH LAW

In Switzerland, the number of cases of Covid-19 positive tested persons has increased again. In addition to the usual rules of hygiene and conduct, the SwissCovid app for smartphones (Android/iPhone) is in operation for the purpose of interrupting transmission chains. The app has now been downloaded over a million times.

The Federal Government has also informed that it will assume all costs for corona tests from 25 June 2020. Until now, the costs have been covered partly by health insurance companies and partly by the cantons. As a result, not all persons were treated equally. This has also increased the risk that

people will not be tested because they have to bear the costs themselves. This risk is now to be countered by the federal government bearing the costs. Both the costs of tests for coronavirus infections and serological tests for the detection of antibodies will be covered.

F. MEETINGS OF COMPANIES

The Federal Council has banned the staging of public and private events until 5 June 2020. Since 6 June 2020, public and private events with up to 300 people were permitted again. On 19 June 2020, the Federal Council relaxed the measures again permitting meetings with up to 1,000 people as of 22 June 2020. This applies in particular to meetings of companies. The possibility for a company to restrict the participation rights of shareholders, associates or members on the basis of Art. 6f COVID-2 Ordinance (SR 818.101.24) is abolished as of 30 June 2020.

G. MEETINGS IN PUBLIC SPACE

I. General rules

The meeting of more than 30 people in a public space, which applied pursuant to Art. 7c COVID-19 Ordinance 2, was cancelled as of 22 June 2020.

II. Demonstrations

Up to now, the number of people who may participate in a demonstration was limited to 300. This restriction was lifted on 20 June 2020. What is new, however, is that the demonstrators are required to wear a mask.

H. QUESTIONS

Due to the current developments and the different starting positions, we recommend that you contact us for legal questions.

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