



### 3 Forms for Employment Compliance under the Epidemic

#### 疫情当下：三张速查表格帮助企业合规复工

#### 引言

#### Introduction

上周，我们针对新型冠状病毒疫情引发的有关企业复工、社会保险、工资支付和劳动关系维护问题，提供了七张速查表格帮助企业精准合规和控制经营成本，受到了大家的一致好评。本周许多企业也陆续开始复工，逐渐出现因复工带来的防控防疫等相关问题。为此，固法律师再次总结表格如下，帮助企业合规复工和人员管理。

Last week, we provided seven forms to help enterprises for compliance checking and costs control, and answered the questions related to the resumption of work, social insurance, wage payment and labor relations under the circumstance of NCP epidemic, which was highly praised by all. However, as many companies began to resume work, we have received a handle of consultations about the prevention and control of the epidemic caused by the resumption of work this week. Therefore, PW lawyers provided some other forms as follows to help the enterprise for compliance resumption and employment management.

#### 1. 复工后出现部分员工未能正常返岗的处理办法

How to deal with employees who fail to return to on schedule

情形 Situation	处理办法 Methods	备注 Notes
因政府实施隔离措施或采取紧急措施导致无法正常返岗 Fail to return to work on schedule due to government quarantine measures or emergency measures	1. 优先“年休假+调休”处理 Give priority to "annual leave + time off" 2. 按正常标准支付工资 Pay salary according to normal standard	需要员工提交充分的证明材料证明存在客观情况无法返岗 Require employees to submit sufficient supporting materials to prove the existence of
因村委封路、乡镇客运班线取消导致员工无法正常返岗	1. 优先“年休假+调休”处理 Give priority to "annual leave + time off"	

<p>Fail to return to work on schedule due to road closure, passenger lines cancelled in rural areas</p>	<p>2. 优先安排远程办公，按正常标准支付工资 Give priority to work from home, and pay salary according to normal standard</p> <p>3. 引导员工申请事假 Guide employees to apply for personal leave</p>	<p>objective circumstances that prevent them from returning to work</p>
<p>因途径重大疫区后返粤隔离期间无法正常返岗 Fail to return to work on schedule due to isolation after passing through major epidemic areas</p>		
<p>因个人主观原因不愿意正常返岗（如主观上担心疫情影响而抗拒返工） Fail to return to work on schedule due to personal reasons (such as resisting rework due to subjective fear of the impact of the epidemic)</p>	<p>1. 优先“年休假+调休”处理； Give priority to "annual leave + time off"</p> <p>2. 引导员工申请事假； Guide employees to apply for personal leave</p> <p>3. 协商待岗或中止劳动合同 Negotiate the employee's await job arrangement or suspend the labor contract</p> <p>4. 引导员工提出主动离职 Guide employees to take the initiative to quit</p>	<p>需要妥善处理劳资关系，充分了解无法正常返岗员工的实际原因 Properly handle labor relations and fully understand the actual reasons for employees' failing to return to work</p>
<p>外籍员工因所属安排撤回回国导致无法正常返岗 Foreign employees fail to return to work on schedule due to their return to home country according to official arrangement</p>		
<p>无正当理由拒不接受公司复工安排 Refuse to accept the enterprise's resumption of work without just reason</p>	<p>1. 核查员工拒绝返工实际原因 Check the actual reasons for employees' refusal to rework</p> <p>2. 发出《返岗通知书》 Issue the Notice of return to work</p> <p>3. 告知旷工或拒绝不服从工作安排的后果 Inform legal consequences of absenteeism or refusal to comply with work arrangements</p> <p>4. 谨慎考虑违纪解除劳动合同 Carefully consider the violation of discipline to terminate the labor contract</p>	<p>做好证据留存，如公告、邮件、EMS、短信等要求员工返岗的通知 Retain evidence, such as notice, email, EMS, SMS, etc.</p>

## 2. 复工后员工出现身体不适的分类处理

How to deal with employees' physical discomfort after resumption of work

情形 Situation	定性 Method	薪资支付办法 Payment	员工需提交资料 Documents Required
经确诊，属新型冠状病毒感染的肺炎患者 Pneumonia patients diagnosed with a novel coronavirus infection	隔离治疗 Isolation treatment		医院确诊证明 A certificate of diagnosis issued by hospital
经诊断，属新型冠状病毒疑似病人 Suspected patient diagnosed with a novel coronavirus infection	医学观察 Medical observation	按正常工资标准支付 Pay according to normal wage standard	政府或医院出具的隔离或医学观察的证明 A certificate of isolation or medical observation issued by government or hospital
经诊断，新型冠状病毒密切接触者 Close contact diagnosed with the novel coronavirus			
普通发烧、感冒 A normal fever or cold	普通病假 Ordinary sick leave	按照公司病假工资发放（不低于广州市最低工资标准的80%） Pay according to enterprise regulations (not less than 80% of the minimum wage standard in Guangzhou).	挂号单/病历/病假建议书/医院诊断证明/用药清单及发票 Registration slip/medical record/sick leave proposal/hospital diagnosis certification/medication list and invoice

### 3. 复工后的招聘工作开始及新员工入职问题

How to deal with recruitment and new staff entry after resumption of work

环节 Phases	建议步骤 Suggestion	注意事项 Notes
招聘阶段 Recruitment	1. 远程视频面试 Remote video interview	对于确需前往公司面试的人员，设立独立面试专区，填写《健康自查承诺书》。尽可能避免面试人员进入公司办公区域，完善防控防疫措施，降低感染风险 For the personnel who really need to go to the enterprise for an interview, the enterprise may set up an independent interview area and may require the interviewers to fill in <i>the letter of undertaking for self-examination of health</i> . The enterprise shall prevent interviewers from entering the office area of the enterprise as far as possible, improve the prevention and control measures and reduce the risk of infection
	2. 公司实地面试 Interview at the enterprise	
新员工入职 New staff entry	1. 完成岗前健康体检 Do a pre-job physical examination	在员工正式入职前要求员工完成岗前健康体检；对于经体检出现身体不适等症状的员工，不得以此为由拒绝录用，建议适当推迟入职日期（因隔离等原因无法在原定入职日期前就职者同理） The enterprise may require employees to do a pre-job physical examination before formal entry; For the employees who suffer from physical examination and other symptoms, it is not allowed to reject the employment on this basis, and it is recommended to postpone the entry date appropriately (the same applies to those who cannot work before the original entry date due to isolation or other reasons).
	2. 适当推迟入职日期 Delay entry date as appropriate	