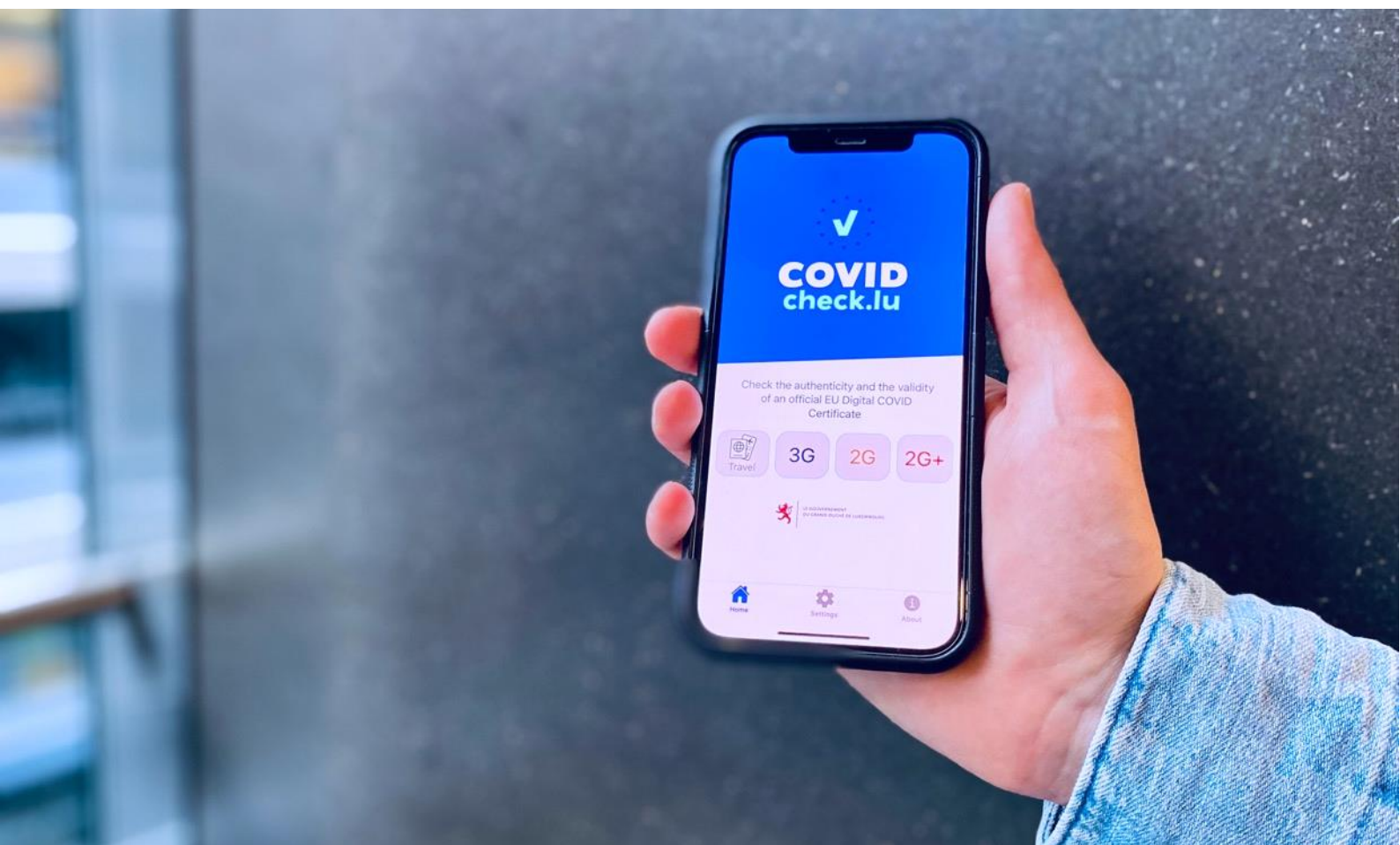




UNION DES ENTREPRISES
LUXEMBOURGEOISES

3 March 2022

FREQUENTLY ASKED QUESTIONS ON SANITARY MEASURES FOR ECONOMIC ACTIVITIES (EXCLUDING THE HORECA SECTOR)



The purpose of these frequently asked questions ("FAQs") is to help businesses implement the health measures provided for in the amended law of 17 July 2020 on measures to combat the Covid-19 pandemic (hereinafter referred to as the "amended law on Covid measures").

Warning: Unless otherwise specified, the provisions set out in the FAQ will apply from 11 February until 30 April 2022.

The 3G scheme, which was compulsory since 15 January 2022 in the context of employment relationships, is again optional since 11 February 2022.

This document is purely informative and does not claim to be exhaustive. The information contained in this document is of a general nature and is not intended to address any particular situation in any specific company. It should not be relied upon as a basis for making decisions without seeking professional advice and conducting a detailed analysis of the situation in question.

FREQUENTLY ASKED QUESTIONS ON SANITARY MEASURES FOR ECONOMIC ACTIVITIES (EXCLUDING THE HORECA SECTOR)

II. 3G REGIME IN COMPANIES	5
A. CONCEPTS AND SCOPE	5
1. WHAT IS THE 3G REGIME?	5
2. WHICH CERTIFICATES ARE ALLOWED?	5
3. IS THE 3G SCHEME MANDATORY IN COMPANIES? WHAT ARE THE ALTERNATIVES TO 3G?	5
4. WHO CAN BE SUBJECT TO THE 3G REGIME IN THE CONTEXT OF ECONOMIC ACTIVITIES?	5
5. CAN AN EMPLOYEE BE SUBJECT TO SEVERAL DIFFERENT SCHEMES?	6
6. DOES THE 3G SCHEME EXEMPT FROM THE RULES ON WEARING MASKS AND SOCIAL DISTANCES?	6
7. IS NOTIFICATION OF THE 3G SCHEME REQUIRED?	7
8. WHO MONITORS COMPLIANCE WITH THE 3G SCHEME?	7
B. 3G SCHEME FOR EMPLOYEES	7
9. WHAT IS THE ROLE OF EMPLOYEE REPRESENTATIVES IN THE IMPLEMENTATION OF THE 3G SCHEME?	7
10. IS IT POSSIBLE TO PROCESS EMPLOYEES' HEALTH DATA AND TO KEEP LISTS OF SUCH DATA?	8
11. WHEN AND HOW TO CHECK EMPLOYEES?	8
12. IS IT POSSIBLE TO VERIFY THE IDENTITY OF EMPLOYEES?	9
13. WHAT ARE THE CONSEQUENCES FOR THE EMPLOYEE WHO DOES NOT PRESENT A VALID CERTIFICATE OR DOES NOT VALIDLY PROVE HIS IDENTITY?	10
14. IS THE TIME NEEDED TO CARRY OUT THE CONTROL OF EMPLOYEES CONSIDERED AS WORKING TIME?	11
15. IS THE COST OF THE POSSIBLE TEST TO BE CARRIED OUT BY AN EMPLOYEE AT THE EXPENSE OF THE EMPLOYER? IS THE TIME FOR CARRYING OUT THE TEST CONSIDERED AS WORKING TIME?	11
C. 3G SCHEME FOR PERSONS OTHER THAN EMPLOYEES	11
16. IS THE 3G SCHEME SET UP IN COMPANIES COMPULSORY FOR EXTERNS WHO VISIT THESE COMPANIES?	11
17. IS IT POSSIBLE TO PROCESS THE HEALTH DATA OF EXTERNS AND TO KEEP LISTS CONTAINING THESE DATA?	11
18. WHEN AND HOW SHOULD THE CONTROL OF EXTERNALS BE CARRIED OUT?	11
19. IS AN IDENTITY CHECK OF EXTERNAL WORKERS POSSIBLE?	11
20. WHAT ARE THE CONSEQUENCES FOR THE EXTERN WHO DOES NOT PRESENT A VALID CERTIFICATE OR WHO DOES NOT VALIDLY PROVE HIS/HER IDENTITY?	11
III. MEASURES CONCERNING GATHERINGS	12
21. WHAT IS A GATHERING?	12
22. WHAT HEALTH MEASURES ARE REQUIRED AT A GATHERING?	12
23. WHAT IS THE COVID CHECK SCHEME?	12
24. WHICH CERTIFICATES ARE ALLOWED UNDER THE COVID CHECK SCHEME?	12
25. WHERE, WHEN AND TO WHOM DOES THE COVID CHECK REGIME APPLY?	13
26. IS IT NECESSARY TO NOTIFY THE COVID CHECK SCHEME?	13
27. WHO CHECKS COMPLIANCE WITH THE COVID CHECK SCHEME?	13

28. IS IT POSSIBLE TO PROCESS PEOPLE'S HEALTH DATA AND TO KEEP LISTS OF SUCH DATA?	13
29. WHEN AND HOW TO CHECK PERSONS?	14
30. IS AN IDENTITY CHECK OF PERSONS POSSIBLE?	14
31. WHAT ARE THE CONSEQUENCES FOR THE PERSON WHO DOES NOT PRESENT A VALID CERTIFICATE OR WHO DOES NOT VALIDLY PROVE HIS IDENTITY?	14
III. INFRINGEMENTS AND SANCTIONS	14
FURTHER INFORMATION	15

II. 3G REGIME IN COMPANIES

A. CONCEPTS AND SCOPE

1. What is the 3G regime?

The 3G scheme is the Covid check scheme under the amended Covid Measures Act, according to which persons must present a valid certificate that they are vaccinated, recovered or negatively tested, which can be used by the employer in respect of employees and outsiders in the workplace.

2. Which certificates are allowed?

The national certificates or certificates recognised as equivalent that are permitted for the purpose of Covid-19 control are as follows :

- certificate of vaccination,
- certificate of recovery,
- NAAT negative test certificate for Covid-19 with a validity of 48 hours, commonly referred to as "PCR test",
- Certificate of Rapid Negative Antigen Test for Covid-19 valid for 24 hours,
- Certificate of contraindication to vaccination against Covid-19 issued by the Director of Health accompanied by :
 - a certificate of negative NAAT test,
 - or a certificate of a negative rapid antigen test,
 - or a negative self-diagnostic test result performed on site,
- certificate of rapid negative antigenic test by a member of the Luxembourg Army designated by the Director of Health, valid for 24 hours.

The use of rapid antigenic tests carried out on the spot is therefore only valid for persons who have a certificate of contraindication to vaccination. It is not valid in other cases, even if the test is carried out under the supervision of the employer or another employee of the company.

3. Is the 3G scheme mandatory in companies? What are the alternatives to 3G?

The introduction of a 3G scheme within a company is an option, not an obligation. The employer therefore has the choice of whether or not to opt for the 3G scheme with regard to employees and external parties. If the employer does not opt for the 3G scheme, he is obliged to comply with the health measures for gatherings when the conditions are met (see questions 21 to 31).

4. Who can be subject to the 3G regime in the context of economic activities?

The employer may decide that all employees at the workplace are subject to the 3G regime. In this context, the notion of workplace does not include the telework place. The teleworking employee is therefore not subject to the 3G scheme. On the other hand, as soon as they leave the "telework" mode and return to a "classic" work mode, even if only for a short period, for example in the company's premises (for a weekly meeting) or on a building site, they are subject to the 3G regime for the entire period when they are not teleworking.

The employer may also decide that access to the whole or part of its premises by external persons is subject to the 3G regime. In other words, the employer may delimit geographical areas and periods

where external persons, such as suppliers, customers or service providers, are subject to the obligation to present a valid certificate for access and others where they are not.

5. Can an employee be subject to several different schemes?

The employer may have opted within his company

- for the 3G scheme (see questions 1 to 20),
- or for the rules on assembly (see questions 21 to 31), namely
 - either compliance with the wearing of a mask and social distances,
 - or the Covid check regime.

The employee will also be required to comply with the rules applicable in the places where he/she carries out his/her mission, where he/she will have to comply with

- the 3G regime (see questions 1 to 20),
- or the rules on assembly (see questions 21 to 31), namely
 - either compliance with the wearing of a mask and social distances,
 - or the Covid check regime.

The different regimes that may apply cumulatively to employees can be summarised as follows:

	<u>External:</u> 3G scheme	<u>External:</u> Mask/Distancing	<u>External:</u> Covid Check
<u>Company:</u> 3G scheme	3G scheme	3G scheme = in the company Mask/Distancing = external	3G scheme = in the company Covid Check = external
<u>Company:</u> Mask/Distancing	Mask/Distancing = in the company 3G scheme = external	Mask/Distancing	Mask/Distancing = in the company Covid Check = external
<u>Company:</u> Covid Check	Covid Check = in the company 3G scheme = external	Covid Check = in the company Mask/Distancing = external	Covid Check

6. Does the 3G scheme exempt from the rules on wearing masks and social distances?

While the application of the 3G scheme exempts people from wearing masks and respecting social distances, this exemption is only possible in areas where all people are subject to the 3G scheme at

the same time. However, the 3G regime does not exempt people from complying with other pandemic measures (e.g. ventilating premises, disinfecting surfaces, washing hands, avoiding handshakes).

If the employer decides, for example, that externals are not subject to 3G in publicly accessible areas (see question 4), the rules on masking and social distances in these publicly accessible areas will have to be applied, and the exemption will only apply to areas of the company that are not accessible to the public.

7. Is notification of the 3G scheme required?

If the employer chooses to implement the 3G scheme, the scheme must be notified in advance by electronic means to the Health Directorate and posted visibly. When notifying, the perimeter of the venue of the event must be precisely determined and the notification must include the dates and periods covered.

The notification is made via the form available on the official website of the Luxembourg Government on the Coronavirus: <https://covid19.public.lu/en.html>

8. Who monitors compliance with the 3G scheme?

The employer monitors compliance with the 3G scheme. He can carry out the control himself or delegate it to one or more employees or third-party service providers.

In the case of temporary work, the control is the responsibility of the user company.

When several companies are located in the same area (e.g. shopping centre), they may decide to centralise the control.

B. 3G SCHEME FOR EMPLOYEES

9. What is the role of employee representatives in the implementation of the 3G scheme?

In the exceptional context of the crisis, the social partners and the government concluded an agreement on 11 February 2022. The signatories consider that the application of the 3G scheme should be done in the framework of a constructive social dialogue at company level with the written agreement of the staff delegation for companies with 15 or more employees. For companies with 150 or more employees, the continuation of the 3G scheme is already subject to co-decision with the staff delegation under Article L. 414-9 2° of the Code du Travail. For companies that do not have a staff delegation, this decision can be taken unilaterally by the employer.

The tripartite agreement also provides that legal changes introduced from 11 February 2022 onwards will not be used to justify an adaptation of the terms and conditions of the 3G scheme in force in the company at the time of the entry into force of the said changes or to condition the continuation of 3G on new social benefits.

During the tripartite discussions, the assumption by the employer of the cost of the tests, or of the time spent carrying out these tests, was mentioned as a "new social benefit". The agreement provides for a possible transitional period of up to 14 days during which the 3G scheme in place until 10 February 2022 will continue to apply as from the entry into force of the new COVID-19 law on 11 February 2022, in order to allow a new decision to be taken in agreement with the staff delegation.

10. Is it possible to process employees' health data and to keep lists of such data?

Health data are sensitive personal data whose processing is in principle prohibited by the GDPR. Permitted exceptions must comply with the principles and obligations of the GDPR, in particular the principle of data minimisation, security and confidentiality.

In order to facilitate verifications under the 3G scheme, the employer may keep a list of employees who have been vaccinated or reinstated within the company, including only the surname, the first name and the period of validity of the certificate, without keeping a copy of the certificate presented during the control. Vaccination certificates are valid for 270 days (approx. 9 months) from the date on which the vaccination schedule is considered complete. The validity of the certificate for the booster vaccination is unlimited. The validity of the reinstatement certificates starts on the 11th day after the date of the first positive result of a NAAT test and ends at the latest 180 days after this result.

The employer, as well as the user company of the temporary workers, may keep this list themselves or delegate the keeping of the list to one or more employees or third-party service providers. Only the employer and the persons responsible for keeping the list can access its contents.

Registration on the list is voluntary. An employee covered by a valid vaccination or recovery certificate and registered on the list may be exempted from control under the 3G scheme. The employee may request to be removed from the list at any time and without any reason. Failure to register has no impact on the employment relationship. The list must be destroyed by 30 April 2022. It must be destroyed as soon as the company no longer uses the 3G scheme.

In general, the employer may not keep any other health data that would be communicated during checks under the 3G scheme (see questions 8 and 11). In this context, it should be recalled that the GDPR is only intended to apply when personal data are processed. The mere fact that employers view the personal data contained in, for example, a certificate or an identity document (see question 12) does not constitute data processing within the meaning of the GDPR.

11. When and how to check employees?

Every employee must be able to present a valid certificate at the workplace. As the employee must be in possession of a valid certificate at the beginning of his/her working day, it is recommended to carry out the check at the beginning of his/her working day. The check must comply with the rules and principles of the GDPR and data protection (see question 10).

The results of the check may vary over time, particularly as the validity of the certificates may be limited in time (see questions 2 and 10). However, the Government has specified on <https://covid19.public.lu> (updated on 18-01-2022) "that the employee must present a valid 3G certificate only upon arrival at the workplace. For organisational and practical reasons, the employer is therefore only obliged to check the employee once during the employee's working day."

For certificates with a QR code, an application called "CovidCheck.lu" is made available by the Luxembourg authorities to carry out the check and scan these QR codes. This application only makes visible the name, first name and the green or red result (valid or invalid). This result is displayed for a few minutes and then disappears without being saved. The employer is not allowed to collect or keep the results that come out of the application during the check.

A manual check of the paper version of the certificates with a QR code should be avoided as far as possible, as it contains more information than that obtained via the "CovidCheck.lu" application. Exceptionally and only if the employee disputes the colour result displayed after scanning the QR code

of a certificate via the application, or if the scan does not work for technical reasons, the persons in charge of the verification may proceed to a manual verification of the certificate.

For certificates that do not have a QR code, there is no choice but to consult the paper version, although they cannot keep a copy.

In order to carry out the control, the employer may:

- decide to restrict access routes into the undertaking to facilitate the control and to close off others or leave them only as exit doors.
- introduce a system of coloured wristbands or other such means to facilitate frequent entry and exit over a short period of time (e.g. one day), provided that the method used does not allow the identification of the vaccination, tested or reinstated status of the wristband wearer.

In order to check employees, the employer may also introduce the following measures:

- Exempt employees voluntarily included in the list of employees covered by a valid vaccination or recovery certificate (see question 10) from the checks imposed on other employees.
- Incorporate the period of validity of the vaccination or reinstatement certificate into the access badge of the employees concerned (see question 10), while allowing employees who do not wish to make use of this possibility to present their certificate in accordance with the control procedures available in the company, without them suffering any negative consequences as a result.

Where the employee is performing work assignments outside the company premises, the employer may implement the following measures:

- require the employee to go to the company's premises beforehand to carry out the check.
- appointing delegates to the places of work to carry out an on-site check.
- conduct the check via video-conferencing tools or by using mobile phones in video mode, without recording the videos, or invite the employee to provide a copy of the test certificate by email when it does not have a QR code or a screen copy of only the QR code of the certificate when it has a QR code which will be checked via the official application, these procedures must be carried out in compliance with the principles of the GDPR, in particular the principles of security, confidentiality and minimisation of data and without being able to keep a copy of this information, which should be destroyed immediately after the check has been carried out.

12. Is it possible to verify the identity of employees?

The employer or his delegate shall verify the identity of the holders of the certificates by comparing it with that shown on an identity document, i.e. any official document with a photograph proving a person's civil status that establishes his or her identity (e.g. identity card, passport or driving licence). Any other document such as a business card or a professional badge presented by the employee is left to the discretion of the person responsible for carrying out this verification, who may refuse it. The retention of a copy of such documents is not allowed, a visual check being sufficient.

13. What are the consequences for the employee who does not present a valid certificate or does not validly prove his identity?

If the employer chooses to implement 3G in all or part of the company, the employee is not entitled to access this area in either case (lack of a valid certificate or proof of identity).

The employee cannot unilaterally impose on the employer either telework, leave or other work organisation arrangements.

Like other employees, the employee may request leave according to Article L. 233-10 of the Code du travail, but the employer may refuse if the needs of the service and the justified wishes of other employees in the company are opposed.

The employment contract is maintained, but the employee automatically loses the part of his or her remuneration corresponding to the working hours not worked as a result.

It should be noted that the period without remuneration is different from unpaid leave, which must be granted by the employer.

The unpaid period is treated as a period of actual work for the purposes of determining the duration of paid leave, for legal or contractual rights linked to the employee's seniority. This period is neutralised for the calculation of the unemployment benefit and the compensatory allowance in the event of professional reclassification. The employee concerned is not eligible for partial unemployment.

Failure to present a valid certificate or absence from work as a result is not grounds for dismissal or disciplinary action. Termination of the employment contract in violation of this principle is null and void, by decision of the president of the labour court, who decides urgently and as in summary proceedings, and is seized within 15 days by the employee. The employer retains the possibility of sanctioning the employee or terminating the employment relationship on other grounds.

The employee also remains covered by social security, the period without pay being considered in principle as an insurance period.

At the pension insurance level, if the total number of hours worked is less than 64 for the month in question, the employer's and employee's shares of the contributions are paid, i.e. 16% in total.

Payment is made up to a maximum of 64 hours when the number of monthly working hours provided for in the employment contract or in the work organisation plan, if any, reaches or exceeds this threshold of 64 hours.

Payment is made up to the maximum number of hours stipulated in the employment contract or in the work organisation plan, if any, when the thresholds stipulated therein are less than 64 hours.

Contributions are paid on the basis of the average hourly wage over the last three months or since the start of the employment contract if the employee has been employed for less than three months. The employer may recover the employee's share of the contributions on unpaid hours up to a maximum of 8% on subsequent salaries over a maximum period of 6 months.

14. Is the time needed to carry out the control of employees considered as working time?

The employee is at the disposal of the employer while waiting for and carrying out the control. Therefore, the time needed for this purpose must be considered as working time.

If the employee then has to travel to another location in the course of his or her work duties, the travel time to that location is also considered working time, without prejudice to specific provisions in a collective labour agreement.

The employee should not be penalised if the arrangements chosen by the employer lengthen the time needed to carry out the check (e.g. only one employee is responsible for carrying out the check of about 100 people in practice at the same time at 8 a.m.) or because the check is only possible on the company's premises where the employee would not have to go if there were no check because the place of his work assignment is outside these premises.

15. Is the cost of the possible test to be carried out by an employee at the expense of the employer? Is the time for carrying out the test considered as working time?

The cost of any test to be carried out by an employee does not have to be borne by the employer, and the time needed to carry out the test should not be regarded as working time (see question 9).

C. 3G SCHEME FOR PERSONS OTHER THAN EMPLOYEES

16. Is the 3G scheme set up in companies compulsory for externs who visit these companies?

No. But the employer can make it compulsory for externs in the company or in a part of it (see questions 4 and 6).

17. Is it possible to process the health data of externs and to keep lists containing these data?

If the employer decides to implement the 3G scheme for externs, he/she may process health data in the same way and within the same limits as for employees (see question 10).

18. When and how should the control of externs be carried out?

If the employer chooses to implement the 3G scheme for externs, the check must be carried out each time a person wishes to enter an area where the 3G scheme is applicable, and this check is mandatory for any person wishing to enter that area.

See question 11 for other measures as long as they are not specific to employees.

19. Is an identity check of external workers possible?

Yes, as for employees (see question 12).

20. What are the consequences for the extern who does not present a valid certificate or who does not validly prove his/her identity?

The extern is not entitled to access the area where the 3G scheme has been made applicable to externs in these two cases (lack of valid certificate or proof of identity).

III. MEASURES CONCERNING GATHERINGS

21. What is a gathering?

An assembly is a gathering of people in the same place on the public highway, in a place accessible to the public or in a private place. In assessing the concept of a gathering, the number of people who are simultaneously in the same place (e.g. in the office, in a conference room or in the canteen) must be taken into account.

22. What health measures are required at a gathering?

During an assembly, masks must be worn in all circumstances for activities open to a circulating public and taking place in an enclosed area, except for activities taking place under the Covid check regime.

In gatherings of more than 10 and up to 50 people (inclusive), people must wear a mask and keep a minimum distance of 2 metres. However, the obligation to maintain a minimum distance of 2 metres does not apply to persons who are members of the same household or who are cohabiting. These conditions do not apply to gatherings that take place under the Covid check regime.

Any gathering involving between 51 and 2000 people is subject to the Covid check regime or to the obligation to wear a mask and to be seated at a minimum distance of 2 metres. Die Verpflichtung, einen Mindestabstand von 2 Metern einzuhalten, gilt jedoch nicht für Personen, die im selben Haushalt leben oder zusammen wohnen.

Any gathering of more than 2000 people is prohibited, unless authorised by the Health Directorate on the basis of a validated health protocol.

This interdiction does not apply to the freedom to demonstrate, outdoor markets or public transport. Masks must be worn at all times.

23. What is the Covid check scheme?

The Covid check regime provided for in the amended Law on Covid measures is the regime applicable to establishments receiving the public, gatherings, demonstrations or events whose entry is exclusively reserved for persons fulfilling the conditions of certificates or tests provided for in the amended Act on Covid measures.

There are no requirements for children under the age of 12 years and 2 months to enter institutions, gatherings, demonstrations or events.

The Covid check scheme exempts you from the obligation to wear a mask and to maintain a social distance. However, it does not dispense with compliance with the other Covid-19 pandemic control measures (e.g. ventilating premises, disinfecting surfaces, cleaning hands, avoiding handshakes).

24. Which certificates are allowed under the Covid check scheme?

See question 2 on certificates admitted under the 3G scheme.

25. Where, when and to whom does the Covid check regime apply?

The operator of the establishment or organiser of the gathering, demonstration or event should clearly delineate the geographical area or even the time periods in which the Covid check regime applies. This information should be notified to the Health Directorate (see question 7).

When the Covid check regime is applicable, any person wishing to enter the area (e.g. visitors, clients) is obliged to present a certificate of vaccination, recovery or test admissible under the amended Covid Measures Act (see question 1).

The check must be carried out each time a person wishes to enter an area where the Covid check regime is applicable, and this check is compulsory for any person wishing to enter that area.

26. Is it necessary to notify the Covid check scheme?

The Covid check scheme is notified in advance electronically to the Health Directorate and is visibly displayed.

Establishments or activities that are subject to the mandatory Covid check regime are exempt from such notification.

When notifying, the perimeter of the place of the event must be precisely determined and the notification must include the indication of the dates or periods concerned.

The notification is made via the form available on the official website of the Luxembourg Government on the Coronavirus: <https://covid19.public.lu/en.html>

In case of control, the proof of notification can be done by means of a copy of the notification form.

27. Who checks compliance with the Covid check scheme?

The operator of the establishment or the organiser of the gathering, event or demonstration may have one or more of his employees carry out the certificate and identity checks, or delegate them to one or more external parties.

28. Is it possible to process people's health data and to keep lists of such data?

Health data are sensitive personal data whose processing is in principle prohibited by the GDPR. The exceptions allowed must respect the principles and obligations of the GDPR, in particular the principle of data minimisation, security and confidentiality.

To facilitate checks under the Covid check scheme, any operator or organiser may keep a list of persons vaccinated or reinstated when they regularly access a given establishment or regularly participate in activities or events under the Covid check scheme. Inclusion in this list must be voluntary. Individuals who are on the list may request to be removed from the list at any time and without explanation or justification.

The list may only contain the names of those who have been vaccinated or reinstated, and the period of validity of the authorised certificates.

The list must be destroyed by 30 April 2022 at the latest. It must be destroyed as soon as the company no longer uses the Covid check scheme.

The operator or organiser may delegate the keeping of this list to one or more employees or to one or more external service providers. Only the operator, the organiser or the persons in charge of the maintenance of the list may access its content.

29. When and how to check persons?

If the operator or organiser chooses to implement the Covid check regime, the check must be carried out each time a person wishes to enter an area where the Covid check regime is applicable, and this check is mandatory for any person wishing to enter that area.

See question 11 for other measures insofar as they are not specific to employees.

30. Is an identity check of persons possible?

If the Covid check scheme is applied, the operator or organiser is obliged to ask for an identity document from the person presenting the certificate in order to check that the identities match. The operator or organiser may have one or more of his employees carry out the checks, or delegate them to one or more external service providers.

31. What are the consequences for the person who does not present a valid certificate or who does not validly prove his identity?

A person who refuses or is unable to produce a certificate and to prove his or her identity on request by the operator or organiser will not be allowed access to the establishment or event concerned.

III. INFRINGEMENTS AND SANCTIONS

The infringements of the amended Covid Measures Act are punishable by fines and taxable warnings for employees. They are subject to fines and even suspension of the establishment permit for employers. Employees are also subject to sanctions in the context of their employment relationship (see question 13).

An employer who fails to comply with the control obligations under the 3G scheme or the notification and entry control obligations under the Covid check scheme is liable to an administrative fine of up to EUR 4 000.

An employee who accesses his or her workplace in violation of the 3G scheme is liable to a criminal fine of between EUR 500 and EUR 1000.

Companies must also refrain from discrimination on the basis of health status, which is in principle prohibited and punishable under Articles 454 to 457-4 of the Criminal Code, in particular with regard to the enjoyment of or access to property, the provision of or access to a service, the hiring or dismissal of a person and access to work.

FURTHER INFORMATION

[Official website](#) of the Luxembourg Government on the Coronavirus

[Consolidated text](#) of the amended law of 17 July 2020 on measures to combat the Covid-19 pandemic applicable from 11 February 2022 (text with documentary value)

FOR FURTHER INFORMATION, PLEASE CONTACT YOUR USUAL CONTACT PERSON AT ONE OF OUR MEMBERS.
