
More time to provide the employer with the quarantine/isolation certificate

Concerned about safeguarding the rights of employees, the OGBL intervened with the competent ministers, as well as at the level of the Board of the National Health Fund (CNS) in order to extend the deadlines for the delivery to the employer of isolation or quarantine orders that are issued by the Director of Health. As a reminder, this type of order allows the employee concerned to benefit from protection against dismissal in the event of absence from work due to incapacity for work.

Currently, an employee who is unable to work due to quarantine or isolation as part of the fight against COVID-19 is required, under the Labor Code, to inform her/his employer of the absence without delay and to provide him with a certificate of incapacity to work within three days.

However, faced with the sharp increase in the number of people tested positive for COVID-19 and the resulting significant workload for the unit responsible for tracing people who have had contact with them, many employees tested positive (or who have had risky contact with a person tested positive) have seen a significant amount of time elapse before the isolation or quarantine order is issued. This situation could continue in the coming weeks.

The OGBL would like to inform in this context that the government introduced on November 27 a bill (no. 7726), which has just been approved by the Council of State on December 1, and which provides for a derogation from article L. 121-6 §2 of the Labor Code, by extending the deadline for the delivery of the official quarantine or isolation order, which serves as a certificate of incapacity to work. The bill provides that the order may be issued no later than the eighth day of the employee's absence.

The OGBL calls for the rapid adoption of this law by the Chamber of Deputies. It is expected that this derogation will remain in force until June 30, 2021 inclusive.

In addition, the OGBL has intervened through the CNS with the competent authorities, in order to facilitate the return to work of employees who have tested positive following quarantine or isolation. Given that the latter can no longer transmit the virus, it would indeed be appropriate for the Health Department to issue a specific order officially authorizing the employee to return to work in complete safety.

04.12.2020