



# APAC COVID-19 FAQ

## EDITION VIII – 22 MAY 2020

Employment Law Expertise Provided by  
Asia Pacific Members of the



# INTRODUCTION

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In the recent weeks, the Covid-19 situation has brought about great uncertainty for the world. Employers have not been spared. It can be challenging to wade through the ever changing myriad of notices, advisories and guidelines issued by the different governments.

To assist our clients, the Employment Law Alliance's APAC member firms have put together a set of FAQs to deal with some of the more common questions we have been asked relating to the new policies / advisories which have been issued in our respective jurisdictions as well as cost cutting measures which can be implemented to manage the cost of doing business.

The seventh edition of this paper was published on 15 May 2020 and can be found [here](#). As the situation is constantly evolving, we are providing weekly updates to our readers. This is the eighth edition and includes updates from Hong Kong, Philippines and Thailand.

Readers should take note that this information is accurate as at 21 May 2020. We encourage readers to keep abreast of developments in the countries of concern to them on a daily basis. Should you have any queries, please feel free to reach out to the contributors individually.

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# HONG KONG

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**Q: Are there any government directions to shut down business (“Shut Down directives”)?**

**A:** The following scheduled premises have been ordered to remain closed for until 28 May 2020:

- (a) bathhouse;
- (b) party room;
- (c) club or night club; and
- (d) karaoke establishment.

Premises that are exclusively or mainly used for the sale or supply of intoxicating liquors for consumption in that premises (i.e., bars and pubs) and other scheduled premises (e.g., fitness centres and beauty parlours) will be allowed to resume operation starting from 8 May 2020, subject to certain conditions such as screening of body temperature and provision of hand sanitiser.

The Government has further issued directions for catering businesses, requiring them to, inter alia, keep a distance of at least 1.5 metres between tables and not allow more than 8 persons to be seated together at one table.

**Q: Are there any government directions on policies employers must adopt to ensure no close physical interaction between persons at the work place (“Distancing Policies”)?**

**A:** Although the Hong Kong Government has not issued any mandatory directions that employers must follow to ensure social distancing, it appeals to employers to be flexible in working arrangements, such as allowing employees to work from home, avoiding large scale meetings, reducing face-to-face contact with co-workers, and arranging flexible meal hours.

On a related note, effective until 4 June 2020, any group gathering of more than eight persons in any public place will be prohibited. However, twelve types of group gatherings are exempted, including group gatherings at a place of work for the purposes of work, for the purposes of or related to transportation, and of persons living in the same household.

# HONG KONG

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# PHILIPPINES

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**Q: Are there government directions restricting travel out of or into your jurisdiction (“Travel Restrictions”)?**

**A:** There are currently four classifications of community quarantine measures in the Philippines:

- (a) Enhanced Community Quarantine (“**ECQ**”) - refers to the implementation of temporary measures imposing stringent limitations on movement and transportation of people, strict regulation of operating industries, provision of food and essential services, and heightened presence of uniformed personnel to enforce community quarantine protocols;
- (b) Modified Enhanced Community Quarantine (“**MECQ**”) - refers to the transition phase between ECQ and General Community Quarantine (“**GCQ**”), when these temporary measures are relaxed: stringent limiting movement and transportation of people, strict regulation of operating industries, provision of food and essential services, and heightened presence of uniformed personnel to enforce community quarantine protocols become less necessary;
- (c) GCQ - refers to the implementation of temporary measures limiting movement and transportation, regulation of operating industries, and presence of uniformed personnel to enforce community quarantine protocols; and
- (d) Modified General Community Quarantine (“**MECQ**”) - refers to the transition phase between GCQ and “New Normal”, when these temporary measures are relaxed: limiting movement and transportation, the regulation of operating industries, and the presence of uniformed personnel to enforce community quarantine protocols become less necessary.

On May 15, 2020, the COVID-19 Inter-Agency Task Force for the Management of Emerging Infectious Diseases (“**IATF**”) issued Resolution No. 37: (i) extending the imposition of ECQ in Cebu City and Mandaue City until May 31, 2020; (ii) placing Metro Manila or the National Capital Region, Bataan, Bulacan, Nueva Ecija, Pampanga, Zamboanga, Angeles City, and Laguna under MECQ until May 31, 2020; and (iii) placing all other provinces, highly urbanized city, and independent component cities not mentioned above under GCQ until May 31, 2020.

In the same resolution, the IATF approved the revised Omnibus Guidelines on the Implementation of the Community Quarantines in the Philippines (“**Revised Guidelines**”) to further harmonize and codify existing policies of the IATF and member-agencies pertaining to community quarantine. The Revised Guidelines generally reiterates the previous guidelines that have been summarized in the earlier updates with a few modifications. Please refer to *APAC COVID-19 FAQ Edition VI and VII – 8 May and 15 May 2020* for the summary of the ECQ, MECQ, and GCQ guidelines.

In relation to travel out of or into the Philippines, the Revised Guidelines reiterates that outbound travel is allowed only for Overseas Filipino Workers (“**OFWs**”), students enrolled in exchange programs, permanent residents of foreign jurisdictions, stranded foreign nationals, or those leaving for medical and humanitarian purposes. OFWs are allowed to be deployed abroad subject to an undertaking that they

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understand the risk. Inbound travel to the Philippines is not mentioned in the Revised Guidelines but remains controlled.

In Labor Advisory No. 20-04 dated March 23, 2020 the Department of Labor and Employment (“DOLE”) has also suspended the application, processing, and renewal of Alien Employment Permits *until further notice*. On May 6, 2020, the DOLE issued Department Order No. 213 Series of 2020 providing that applications for new or renewal of AEP can be filed within 45 working days after the lifting of ECQ or GCQ.

*On May 15, 2020, the Bureau of Immigration (“BI”) approved the resumption of the processing of the applications only for Special Work Permit (a special permit granted by BI to certain foreign nationals who shall engage in certain profession, work or services for a period not exceeding six months) and Provisional Work Permit (a special permit granted to a foreign national during the pendency of his application for pre-arranged employment visa) filed by establishments that are allowed to operate in MECQ areas.*

**Q: Please state what implications such Travel Restrictions have in managing employees**

**A:** Considering that outbound and inbound travel from and to the Philippines remains controlled, international travel of employees have to be deferred. Moreover, employers must consider the current limitations on the processing of work visas and permits in relation to hiring of expatriates.

**Q: Are there any government directions to shut down business (“Shut Down directives”)?**

**A:** The Revised Guidelines generally reiterates the list of industries and establishments that are allowed to operate in ECQ, MECQ, and GCQ areas. Please refer to *APAC COVID-19 FAQ Edition VI – 8 May and 15 May 2020* for the description of Category I, II, III and IV industries that are allowed to operate in community quarantine areas as set out in DTI Memorandum Circular No. 20-22 and those discussed by the Presidential Spokesperson in his press briefing last May 13, 2020.

**Permitted establishments and allowable operational capacities**

The Revised Guidelines, however, have modified the allowable operational capacities of some of the industries that are allowed to operate in community quarantine areas. For ease of reference, we are restating the list of industries/sectors that are allowed to operate in the various community quarantine areas, and their allowable operational capacities below pursuant to the Revised Guidelines. “Skeleton workforce” means the operational capacity that utilizes the smallest number of people needed for a business or organization to maintain its basic function. Meanwhile, “operational capacity” refers to such a maximum number of employees or workers who can be permitted or required to physically report to work on-site in a particular office or establishment.

- *ECQ areas*

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Operational Capacities	Permitted Industries/Sectors in ECQ Areas
<b>May operate at maximum 50% operational capacity</b>	<ol style="list-style-type: none"> <li>1. Manufacturing and processing plants of basic food products (operational capacity may be increased by the Department of Trade and Industry (“DTI”); and</li> <li>2. Media establishments.</li> </ol>
<b>May operate with skeleton workforce only</b>	<ol style="list-style-type: none"> <li>1. Government agencies and instrumentalities;</li> <li>2. Officials and employees of foreign diplomatic missions and international organizations accredited by the Department of Foreign Affairs (“DFA”);</li> <li>3. Agriculture, forestry, and fishery;</li> <li>4. Private establishment and their employees providing essential goods and services (e.g. public markets, groceries, convenience stores, laundry shops, water-refilling stations, hospitals and medical clinics, pharmacies, and drug stores);</li> <li>5. Manufacturing and processing plants of hygiene products;</li> <li>6. Delivery services (essential goods);</li> <li>7. Banks, money transfer services, microfinance institutions and cooperatives, excluding pawnshops not performing money transfer, and credit cooperatives, including armored vehicle services, if any;</li> <li>8. Capital markets;</li> <li>9. Power, energy, water, information technology and telecommunication supplies and facilities, including waste disposal services, as well as property management building utility services;</li> <li>10. Telecommunications companies, internet service and cable television providers;</li> <li>11. Business process outsourcing (“BPOs”) and export-oriented enterprise;</li> <li>12. Airline and aircraft maintenance employees (including pilots and crew), ship captains and crew;</li> <li>13. Essential projects, public or private (e.g., quarantine facilities, disaster risk reduction and rehabilitation works, sewerage projects, water service facilities projects, digital works);</li> <li>14. Priority public and private infrastructure projects;</li> <li>15. Manufacturing companies and supplier of equipment or products necessary to perform construction works;</li> <li>16. Workers accredited by the Department of Transportation (“DOTr”) working on utility relocation works and specified limited works on railway projects;</li> <li>17. Employees of the Philpost (at operational capacity necessary to maintain prompt delivery);</li> <li>18. Philippine Statistics Authority (at operational capacity necessary to conduct data gathering and survey activities related to COVID-19 and national ID system);</li> <li>19. Funeral and embalming services;</li> </ol>



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Operational Capacities	Permitted Industries/Sectors in ECQ Areas
	20. Humanitarian assistance from civil society organizations and non-government organizations; 21. Veterinary clinics; and 22. Security personnel.
<b>Not allowed to operate</b>	1. All establishments apart from the permitted industries/sectors mentioned above. 2. Hotels or similar establishments except those accommodating the following (provided hotel operations shall be limited to the provision of basic lodging to guests): <ol style="list-style-type: none"> <li>For areas outside Luzon, guests who have existing booking accommodations for foreigners as of 01 May 2020;</li> <li>Guests who have existing long-term bookings;</li> <li>Distressed OFWs and stranded Filipinos or foreign nationals;</li> <li>Repatriated OFWs in compliance with approved quarantine protocols;</li> <li>Non-OFWs who may be required to undergo mandatory facility-based quarantine; and</li> <li>Health care workers and other employees from exempted establishments under the Revised Guidelines and applicable Memoranda from the Executive Secretary.</li> </ol>

- *MECQ areas*

Operational Capacities	Permitted Industries/Sectors in MECQ Areas
<b>May operate at full operational capacity</b>	1. Media establishments; 2. Establishments involved in production of cement and steel; 3. BPOs and export-oriented establishments without need to set up on-site or near-site accommodation arrangements (limited to a skeleton workforce in ECQ areas); 4. Mining and quarrying; 5. E-commerce companies; 6. Postal, courier, delivery services (limited to a skeleton workforce in ECQ areas); 7. Rental and leasing, other than real estate, such as vehicles and equipment for permitted sectors; 8. Employment activities that involves the recruitment and placement for permitted sectors; 9. Repair of computers, personal and household goods; 10. Housing services activities;

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Operational Capacities	Permitted Industries/Sectors in MECQ Areas
	<ol style="list-style-type: none"> <li>11. Agriculture, forestry, fishery and such other components of food value chain (limited to a skeleton workforce in ECQ areas); and</li> <li>12. Manufacturers of medicines, medical supplies, devices and equipment.</li> </ol>
<p><b>May operate at 50% operational capacity on-site (while encouraging work-from-home and other flexible work arrangements)</b></p>	<ol style="list-style-type: none"> <li>1. Manufacturing and processing plants of basic food products but operational capacity may be increased as may be authorized by the DTI (We note that this is a departure from the announcement made earlier by the Presidential Spokesperson in his press briefing last May 13, 2020 that this industry may operate at full capacity subject only to safety protocols);</li> <li>2. Other manufacturing industries (e.g., beverages including alcohol drinks, wood products and furniture, non-metallic products, textiles and clothing, tobacco products, paper and paper products, rubber and plastic products, coke and refined petroleum products, other non-metallic products, computers, electronic, and optical products, electrical equipment, machinery and equipment, motor vehicles, trailers and semi-trailers, other transport equipment, and others);</li> <li>3. Real estate and leasing activities;</li> <li>4. Administrative and office support (e.g., photocopying and billing services);</li> <li>5. Other financial services (e.g., money exchange, insurance, microfinance and credit cooperatives, reinsurance and non-compulsory pension funding);</li> <li>6. Legal and accounting services;</li> <li>7. Management and consultancy services or activities;</li> <li>8. Architectural and engineering activities including technical testing and analysis;</li> <li>9. Science and technology, and research and development;</li> <li>10. Recruitment and placement agencies for overseas employment;</li> <li>11. Advertising and market research;</li> <li>12. Computer programming and information management services;</li> <li>13. Publishing and printing services;</li> <li>14. Film, music, and television production;</li> <li>15. Photography, fashion and industrial, graphic and interior design;</li> <li>16. Wholesale and retail trade of vehicles and their parts and components, whether such vehicles be fuel, electric, or human powered;</li> <li>17. Repair and maintenance of vehicles as defined in the immediately preceding provision as well as its parts or components;</li> <li>18. Malls and commercial centers (subject to DTI guidelines);</li> <li>19. Dining and restaurants (delivery and take-out only);</li> <li>20. Hardware stores;</li> <li>21. Clothing and accessories;</li> <li>22. Bookstore and school and office supplies;</li> <li>23. Baby or infant care supplies;</li> </ol>

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Operational Capacities	Permitted Industries/Sectors in MECQ Areas
	24. Pet food and pet care supplies; 25. Information technology, communications and electronic equipment (limited to a skeleton workforce in ECQ areas); 26. Flower, jewelry, novelty, antique and perfume shops; 27. Toy stores (playgrounds, if any, shall be closed); 28. Firearms and ammunition trading establishments, subject to strict regulation of the Firearms and Explosives Office; and 29. Pastors, priests, rabbi, imams, and other religious ministers providing home religious services to households.
<b>May operate with skeleton workforce</b>	This is essentially the same list as those allowed to operate in ECQ areas with a skeleton workforce <u>except</u> for those industries/sectors that have been allowed to operate at full capacity or at 50% capacity in MECQ areas as summarized above.
<b>Not allowed to operate</b>	1. Tourist destinations such as water parks, reservation services and related services; 2. Entertainment industries such as cinemas, theaters, and karaoke bars; 3. Kid amusement industries such as playroom and kiddy rides; 4. Libraries, archives, museums and cultural centers; 5. Gyms, fitness studios and sports facilities; 6. Personal care services such as massage parlors, sauna, facial care and waxing; and 7. Hotels or similar establishments except those accommodating the following: <ol style="list-style-type: none"> <li>For areas outside Luzon, guests who have existing booking accommodations for foreigners as of 01 May 2020;</li> <li>Guests who have existing long-term bookings;</li> <li>Distressed OFWs and stranded Filipinos or foreign nationals;</li> <li>Repatriated OFWs in compliance with approved quarantine protocols;</li> <li>Non-OFWs who may be required to undergo mandatory facility-based quarantine; and</li> <li>Health care workers and other employees from exempted establishments under the Revised Guidelines and applicable Memoranda from the Executive Secretary.</li> </ol>

- *GCQ areas*

Those allowed to operate in ECQ and MECQ areas, as listed above, may continue to operate in GCQ areas at the allowed operational capacity indicated in the table above, unless a higher operational capacity is permitted (as indicated in the table below).

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Operational Capacities	Permitted Industries/Sectors in GCQ Areas
<b>May operate at full operational capacity</b>	Category I Industries - <ol style="list-style-type: none"> <li>1. Power, energy, water, and other utilities;</li> <li>2. Agriculture, fishery, and forestry industries;</li> <li>3. Food manufacturing and food supply chain businesses, including food retail establishments such as supermarkets, grocery stores, food preparation establishments insofar as take-out and delivery services, food delivery services, health-related establishments,</li> <li>4. Logistics sector, information technology and telecommunication companies; and</li> <li>5. Media.</li> </ol>
<b>May operate at 50% up to full operational capacity, without prejudice to work-from-home and other alternative work arrangements</b>	Category II Industries – <ol style="list-style-type: none"> <li>1. Mining and other manufacturing;</li> <li>2. Electronic commerce companies;</li> <li>3. Delivery, repair and maintenance; and</li> <li>4. Housing and office services.</li> </ol>
<b>May operate at 50% operational capacity on-site, without prejudice to work-from-home and other alternative work arrangements</b>	Category III Industries- <ol style="list-style-type: none"> <li>1. Financial services, legal and accounting, and auditing services;</li> <li>2. Professional, scientific, technical, and other non-leisure services; and</li> <li>3. Other non-leisure whole sale and retail establishments.</li> </ol>
<b>Not allowed to operate</b>	<ol style="list-style-type: none"> <li>1. Category IV Industries</li> <li>2. Amusement, gaming, fitness establishments, as well as those in the kids and tourism industries; and</li> <li>3. Hotels or similar establishments, except those accommodating the following:               <ol style="list-style-type: none"> <li>a. For areas outside Luzon, guest who have existing booking accommodations for foreigners as of 01 May 2020;</li> <li>b. Guests who have existing long-term bookings;</li> <li>c. Distressed OFWs and stranded Filipinos or foreign nations;</li> <li>d. Repatriated OFWs in compliance with approved quarantine protocols;</li> </ol> </li> </ol>

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Operational Capacities	Permitted Industries/Sectors in GCQ Areas
	<ul style="list-style-type: none"> <li>e. Non-OFWs who may be required to undergo mandatory facility-based quarantine;</li> <li>f. Healthcare workers and other employees from exempted establishments under the Revised Omnibus Guidelines and applicable Memoranda from the Executive Secretary.</li> </ul>

- *MGCQ areas*

In MGCQ areas, all public and private offices are allowed to resume physical work in full capacity (with alternative arrangements for persons who are 60 years old and other persons with underlying conditions and illness) except as otherwise stated below.

Operational Capacities	Permitted Industries/Sectors in MGCQ Areas
<b>May operate at maximum operational capacity</b>	<ol style="list-style-type: none"> <li>1. Category I Industries- Power, energy, water, and other utilities, agriculture, fishery, and forestry industries, food manufacturing and food supply chain business, including food retail establishments (e.g., supermarkets, grocery stores), food preparation establishments insofar as take-out and delivery services, health-related establishments, the logistics sector, information technology and telecommunication companies, and the media</li> <li>2. Category II Industries- Mining and other manufacturing, and electronic commerce companies, as well as other delivery, repair and maintenance, and housing and office services, at anywhere between 50% up to full operational capacity, and without prejudice to work-from-home and other flexible working arrangements</li> <li>3. Category III industries- Financial services, legal and accounting, and auditing services, professional, scientific, technical, and other non-leisure services, and other non-leisure wholesale and retail establishments except for barber shops, salons, and other personal care service establishments shall have a maximum 50% venue capacity. Dine-in service in food retail establishments such as supermarkets, grocery stores, and food preparation establishments shall be allowed provided that seating capacity may not exceed 50%.</li> </ol>
<b>May operate at 50% operational capacity</b>	Category IV industries and other establishments not permitted to operate in ECQ, MECQ, and GCQ areas.

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## Transportation restrictions

The Revised Guidelines updated the transportation guidelines in ECQ, MECQ, GCQ, and MGCQ areas and the movement of people across areas placed under different community quarantine areas (“**interzonal movement**”) and movement within the same community quarantine area qualification (“**intrazonal movement**”). We summarize the transportation restrictions below.

Area	Transportation Restrictions
<b>ECQ</b>	<ul style="list-style-type: none"> <li>• Public transportation remains suspended.</li> <li>• Commissioned shuttle services for employees of permitted offices or establishments and point-to-point transport services provided by the government for healthcare workers and frontliners are allowed to operate at reduced vehicle capacity.</li> </ul>
<b>MECQ</b>	<ul style="list-style-type: none"> <li>• Public transportation remains suspended.</li> <li>• Commissioned shuttle services for employees of permitted offices or establishments, as well as point-to-point transport services provided by the government shall be allowed to operate giving priority to healthcare workers.</li> <li>• Private transportation such as company shuttles and personal vehicles utilized by persons authorized outside their residences is allowed subject to the guidelines provided by the DOTr. The use of bikes and other non-motorized transportation is strongly encouraged.</li> <li>• The DOTr announced on its website that private shuttles (or company shuttles) and public shuttles for workers/employees of establishments allowed to operate shall have a maximum allowable capacity of 50% (excluding the driver and conductor). Private vehicles must have a maximum of 2 passengers per row.</li> </ul>
<b>GCQ</b>	<ul style="list-style-type: none"> <li>• Road, rail, maritime, and aviation sectors of public transportation shall operate at a reduced operational and vehicle capacity in accordance with guidelines issued by the DOTr, provided, that in all public transports, a strict one (1) meter distance between passengers shall be observed and appropriate engineering controls in place.</li> <li>• The Land Transportation Office, an attached agency to the DOTr, issued guidelines for land transportation facilities in GCQ areas which include the following:             <ol style="list-style-type: none"> <li>1. Public utility buses, public utility jeepneys, and shuttle services will have a maximum allowable capacity of 50% (excluding the driver and conductor). The passengers shall be seated one seat apart.</li> <li>2. Taxis, Transportation Network Vehicle Service, and UV express will have a maximum of 2 passengers per row and only 1 passenger is allowed next to the driver. UV express with side-facing seats will have a maximum allowable capacity of 50%.</li> <li>3. Tricycle will only be allowed one passenger in the sidecar and back-riding will not be allowed.</li> </ol> </li> </ul>

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Area	Transportation Restrictions
	<p>4. Private and government vehicles will have a maximum allowable capacity of 50%. Only two persons may seat per row. Those with side-facing seats will have a maximum allowable capacity of 50%.</p> <ul style="list-style-type: none"> <li>The DOTr provided for a limited riding capacity of rail lines in Metro Manila upon its transition from MECQ to GCQ. For the Light Rail Transit 1 (LRT-1), only 12% capacity per train set shall be implemented. For LRT-2, each train set shall only accommodate 10% of its passenger capacity. While the MRT3 will implement 13% passenger capacity per train set. The Philippine National Railway will only transport 20% of its passenger capacity per train set.</li> </ul>
<b>MGCQ</b>	<ul style="list-style-type: none"> <li>Road, rail, maritime, and aviation sectors may operate subject to the guidelines issued by the DOTr and ensuring the one (1) meter physical distancing between passengers).</li> <li>Private shuttles and personal vehicles are allowed.</li> </ul>

## **Interzonal and intrazonal movements**

The rules regarding interzonal and intrazonal movements are:

1. Non-essential entry and exit to and from an area placed under ECQ or MECQ is prohibited, however, workers of establishments allowed to operate may be allowed travel. The establishments allowed to open may provide for shuttle services or near-site arrangements for their workers.
2. Movement of persons across GCQ and MGCQ is allowed except if for leisure.
3. Movement to and from an area placed under GCQ to an area where no community quarantine is imposed is allowed except if for leisure.
4. Movement to and from an area placed under MGCQ to an area where no community quarantine is imposed is allowed.

### **Q: Please state what implications such Shut Down directives have in managing employees?**

**A:** Establishments allowed to operate at less than full operational capacity may have to consider flexible work arrangements (such as rotation of workers, reduction of workdays, forced leave) or work from home arrangements where feasible.

While the movement of workers of business establishments that are allowed to operate in all community quarantine areas is allowed, there are restrictions in public transportation. In ECQ and MECQ areas, public transportation is still suspended while in GCQ and MGCQ areas, public transportation may operate at a limited capacity. Due to these restrictions and limitations, business establishments are encouraged to provide shuttle services to their employees.

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**Q: Are there any government directions on policies employers must adopt to ensure no close physical interaction between persons at the work place (“Distancing Policies”)?**

**A:** Non-essential work gatherings are still prohibited in ECQ, MECQ, and GCQ areas. Meanwhile, in MGCQ areas, it is allowed provided that the participants shall be limited to 50% of the venue or seating capacity.

On May 11, 2020, the Department of Health (“**DOH**”) issued an Interim Guidelines on the Return-to-Work, which aims to prevent, control, and diminish infection in the workplace (“**DOH Return-to-Work Guidelines**”) through the implementation of general and specific guidelines.

- *General Guidelines*

1. Employers shall: (i) adopt business continuity plans to prevent the spread of COVID-19; (ii) develop work arrangements that will reduce the number of people in the workspaces and the need to travel among employees at high risk. Employees at high risk include employees beyond 60 years of age, or employees with co-morbidities, or pre-existing illness such as hypertension, diabetes, cancer, or immunocompromised health status, or with high-risk pregnancy.
2. Social support that will facilitate compliance (such as appropriate policies on sick leaves and medical insurances to accommodate the COVID-19 situation and pay allowance from the employer) must be in place.
3. Workplace facilities shall screen returning employees for influenza-like symptoms. Temperature checks and proper disinfection of inbound and outbound persons shall be strictly implemented.
4. Non-pharmaceutical interventions should be implemented. These interventions include hygiene promotion, environmental cleaning, disinfection, physical distancing, health education, and the public health and safety measures set out in the Joint DTI and Department of Labor and Employment (“**DOLE**”) Interim Guidelines on Workplace Prevention and Control of COVID-19 (“**Joint DTI-DOLE Return-to-Work Guidelines**”). Please refer to the summary of Interim Guidelines on Workplace Prevention and Control of COVID-19 issued by the DTI and the DOLE in the *APAC COVID-19 FAQ Edition VI – 8 May 2020*.

- *Specific Guidelines* - The DOH Return-to-Work Guidelines provides specific guidelines on:

1. engineering and administrative control measures
2. implementation of other prevention and control measures
3. screening of returning employees
4. testing of asymptomatic returning employees



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On May 16, 2020, the DOLE issued Labor Advisory No. 18 series of 2020, which provides that the employer shall shoulder the cost of COVID-19 prevention and control measures such as testing (except those covered by the Philippine Health Insurance Corporation policies), disinfection facilities, hand sanitizers, personal protective equipment, signage, proper orientation and training of workers. For contracts for construction projects and for security, janitorial, and other services, the cost of COVID-19 prevention and control measures shall be borne by the principals or clients of the construction/service contractor. Inconsistent provision of existing contracts to the foregoing is deemed amended. It also stressed that no cost related or incidental to COVID-19 prevention and control measures shall be charged to the worker, whether directly or indirectly.

Employers may opt, but not required, to have their employees undergo testing. The Revised Guidelines provide that the compliance with the Joint DTI-DOLE Return-to-Work Guidelines and DOH Return-to-Work Guidelines shall be considered sufficient compliance with the minimum health standards.

**Q: Please state what implications such Distancing Policies have in managing employees**

**A:** Employers will have to ensure that they comply with the Joint DTI-DOLE Return-to-Work Guidelines and DOH Return-to-Work Guidelines before allowing their employees to report back to work. Employers will have to consider the additional costs that they may have to incur to ensure compliance with the foregoing guidelines.



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# THAILAND

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**Q: Are there government directions restricting travel out of or into your jurisdiction (“Travel Restrictions”)?**

**A:** The Thai government declared a state of emergency effective 26 March 2020, followed by the following travel advisory from the Civil Aviation Authority of Thailand to inbound travelers to Thailand:

1. An individual entering, transiting or transferring in Thailand through an international airport must fall under one of the following categories:
  - (a) persons exempted by the Prime Minister or Permanent Secretary of Ministry of Foreign Affairs, subject to certain conditions and prescribed time periods;
  - (b) carriers of necessary cargo, provided they leave Thailand promptly after delivery of such cargo;
  - (c) pilots and crew members of a flight entering Thailand with a clear departure schedule;
  - (d) persons on diplomatic or consular missions or under certain international organizations, government representatives performing duties in Thailand, or other persons belonging to international agencies that the Ministry of Foreign Affairs gives permission. Family members of the above are also included. Persons under this category must present a certificate of entry to Thailand issued by the Ministry of Foreign Affairs;
  - (e) Non-Thai nationals with work permits or who have been issued a Smart Visa; and
  - (f) Thai nationals with a certificate of entry to Thailand issued by Royal Thai Embassy or Royal Thai Consulate in their country of origin certifying that they are Thais returning to Thailand.
2. Persons under categories (d), (e) and (f) above must have a “Fit to Fly” Health Certificate issued no more than 72 hours before boarding.
3. Persons permitted to enter Thailand are required to strictly comply with disease prevention measures imposed by the government.
4. Immigration officers have the power to deny the entry of Non-Thai Nationals who have been tested positive for COVID-19, who are under suspicion of being infected or who refuse to undergo such test.

The Civil Aviation Authority of Thailand has extended its order temporarily banning all inbound passenger flights through 30 June 2020. Unless the order is extended further, passenger flights are expected to be permitted to land as of 1 July 2020.

The ban does not apply to state or military aircraft, emergency landings, technical landings without disembarkation, humanitarian, medical or relief flights, repatriation flights and cargo flights. Passengers

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arriving under these exempted flights are subject to measures under communicable disease law, such as 14 days state quarantine and the regulations under the Emergency Decree on State of Emergency.

The Thai government has not banned any outbound travelling, but strongly discourages all non-essential travel outside of Thailand.

**Q: Are there any government directions to shut down business (“Shut Down directives”)?**

**A:** The authority to shut down business is generally reserved for the provincial governments, and so there is no uniform, nationwide standard, except for a nationwide curfew from 11pm until 4am which has been in effect since 17 May 2020 onwards (before 17 May the curfew ran from 10pm until 4am).

For Bangkok, the following businesses have been ordered to be closed through 31 May 2020, although restrictions are gradually being reduced for those businesses under items 10, 12, 13, 14, 15, 16, 17, 26, 30 and 31 below, as set out under Section 9 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005) (No. 7) dated 15 May 2020 Clause 3:

1. Theaters (cinemas, playhouse and theaters)
2. Entertainment venues, pubs, bars and similar entertainment venues
3. Waterparks, amusement or theme parks
4. Playgrounds, playground equipment for children in markets, floating markets and flea markets
5. Zoos
6. Skating rings, rollerblading arenas or similar venues
7. Snooker and billard arcades
8. Bowling or gaming arcades
9. Gaming and internet cafe
10. Public swimming pools or similar venues
11. Cockfighting rings and cockfighting exercising rings
12. Fitness centers
13. Trade fair and exhibition centers, and to a limited extent conference centers and galleries
14. Museums, local museums and those similar museums
15. Public libraries, community libraries, private libraries and book houses
16. Nurseries
17. Elderly care centers

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18. Boxing stadiums and boxing training gyms
19. Martial arts schools and gyms
20. Tattoo and body piercing shops
21. Social dance school or academies
22. Horse racing courses
23. Bahts, saunas, and steam or herbal steam baths
24. Massage parlours
25. Amulet trading markets and centers
26. Weight-loss centers, medical clinics for beauty service sections and cosmetic clinics (beauty clinics, beauty parlors and medical aesthetic clinics can serve the public to a limited extent)
27. Health service centers (spas and health and beauty massage outlets), Thai traditional massage or foot massage centers
28. All sport arenas
29. Places of entertainment, public places for performance or recreation
30. Places providing services on meeting rooms, catering rooms, catering venues and similar businesses (meeting rooms in hotels and conference centers are open to the public to a limited extent)
31. Shopping malls, including shopping centers and community malls, and restaurants can now serve the public to a limited extent
32. Beauty salons and barber shops (to be opened only for hair washing, cutting, thinning, dressing and service users waiting for service in shops are not allowed)
33. Sports venues (to be opened only for outdoor sports and in accordance with the international rules of which players keep social distancing and avoid association) like tennis, horse riding, archery (rallying of spectators or competitions at the sport venues, clubhouses or restaurants located in the area of said sport venues is not allowed)
34. Public parks, fields, areas for public activities, places for exercises, sport venues and fields are allowed to be opened only outdoor areas for walking, running, cycling or other kinds of personal exercises without rally of spectators or having competition plays or shows.
35. Bullrings, fish fighting rings other similar sport fields or arenas

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## Disease Prevention Measures:

1. Businesses which may serve the public are subject to social distancing, hygiene, disease prevention measures and other guidelines issued at the national and provincial level.
2. Any other places apart from the Announcement, relating persons shall comply with the disease prevention measures prescribed by the Government and with Clause 11 of regulations under provisions of Section 9 of the Emergency Decree dated 25 March 2020.

Certain types of liquor can be sold from 3 May subject to the discretion of each province.

Business operators who fail to comply with any closure order face penalties ranging from

- 1) imprisonment of up to one year, a fine of up to Baht 100,000, or a combination thereof to
- 2) imprisonment of up to two years, a fine of up to Baht 40,000, or a combination thereof.

As for other businesses not required to close, employers in the private sector are encouraged to allow their employees to work from home if possible, and government agencies are encouraged to reduce the working days or hours of their employees.

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