

FAQ Corona and Labour Law

Status: 19 February 2022

1. I have been diagnosed with the Corona virus - what do I have to do now?

If you are infected with the Corona virus, you must immediately go into domestic quarantine and inform the local health department. It is best to also inform the people with whom you have had close contact in the last five days. It is usually also a good idea to inform your employer, even though you are not obliged to give reasons for illness to your employer.

If you not only test positive but also have symptoms of illness, you need a certificate of incapacity for work from your doctor. You do not automatically get a certificate of incapacity for work because you have tested positive!

The following always applies, if you are ill and unable to work - whether because of the Corona virus or for other reasons - you will get a certificate of incapacity to work from your doctor, which you must send to your employer immediately. You will continue to receive your pay.

Because of the current situation, it is possible until 31 March 2022 to get a certificate of incapacity for work for up to 14 days for mild symptoms of a cold, even after a telephone conversation with the doctor. The sick note is sent home by post.

2. What does the 3G rule mean in the workplace?

In Germany, the so-called 3G rule has applied to employees in workplaces since November 2021. Employees and employers who may come into contact with other persons are only allowed to enter the workplace if they have proof with them that they have recovered, are vaccinated or tested (3G proof). "Other persons" means colleagues as well as external persons such as customers or clients. It is not decisive whether employees actually meet other persons.

The term workplace covers all areas of a company, offices and production halls as well as outdoor areas on the company premises. It also includes construction sites and accommodation. Work from home is not considered a workplace, nor are vehicles or other means of transport.

If you cannot show proof of 3G, the employer must refuse you access to the workplace. If you cannot work because of a lack of 3G proof, you will not be paid.

3. What is a 3G proof?

Three different proofs are recognised: the vaccination proof, the convalescence proof and the test proof. The certificates must be in German, English, French, Italian or Spanish. They can be on paper or digital.

Proof of vaccination is proof that you have been fully vaccinated against COVID-19 for at least 14 days (i.e. currently twice for most vaccines) with a vaccine licensed in the European Union. If you have already had a COVID-19 infection, i.e. you are a recovered person, proof that you were vaccinated once at least 14 days ago is sufficient.

Proof of recovery is proof of a previous Corona infection by a positive PCR test that is at least 28 days but no more than three months old.

Test evidence shall be evidence that there is no infection. The test must not be older than 24 hours in the case of a rapid test and 48 hours in the case of a PCR test. The test certificate must be valid at the time of the operational access control. Testing may also be carried out or supervised by the employer or by personnel who have the necessary training, knowledge and experience. Testing shall take place outside working hours. Self-tests taken at home will not be recognised.

4. Where can I get a Corona test?

Employers are obliged to provide their workers with two rapid antigen tests every week free of charge. However, these tests only count as evidence if they are carried out or supervised by staff who have the necessary training, knowledge and experience to do so.

In addition to on-premises testing, it is possible to use free “citizen” testing. An overview of the testing options is available, for example, here: <https://map.schnelltestportal.de/>

5. Is there a vaccination mandate? Can my employer require me to be vaccinated against the Corona virus?

There is not yet a general legal obligation to vaccinate against Sars-CoV-2 in Germany. However, it is possible that one will be introduced soon. So far, the Corona Vaccination Ordinance only regulates a right to vaccination against the SARS-CoV-2 coronavirus. This also applies to employment relationships. So far, the employer cannot generally demand such a vaccination.

The situation is different for employees in the health sector! Here, mandatory vaccination will be introduced as early as 15 March 2022. Section 20a of the Infection Protection Act lists all the companies and facilities for whose employees this vaccination mandate will apply, such as hospitals, doctors' practices and inpatient care facilities. It is important to note that the vaccination mandate does not only apply to those employed by the facility, but also to all craftsmen, cleaners or other people who work there temporarily. It is therefore not a question of the activity that is carried out, but the premises.

From 16 March 2022, no person who has not been fully vaccinated may be newly employed in these areas and no person who has not been fully vaccinated may work there (for fully vaccinated, see question 3).

6. Can my employer refuse me access to work if I am not vaccinated?

Currently, the employer cannot do that. However, the 3G rule applies in the workplace.

A different rule will apply to healthcare workers from 15 March 2022, though. The vaccination mandate that will then apply means that non-vaccinated persons will not be allowed to work in these

facilities! They are not allowed to enter the facilities or work there. This means that they will also no longer be paid. The employer must then give unvaccinated employees time off, and they may even be dismissed.

7. Do I have to tell my employer if I have been vaccinated against Corona?

In principle, employers are not allowed to enquire about your vaccination status. However, employers are obliged to collect data in order to monitor the 3G rule. They are only allowed to ask for one of the three proofs (recovered, vaccinated, tested) for this purpose.

If you have been quarantined, the employer must be able to assess whether you are entitled to compensation or not (see question 10). For this specific purpose, the employer may ask about the vaccination status.

In addition, a duty to provide information regarding vaccination or convalescent status has applied to certain groups of employees since September 2021. This concerns employees in schools, day-care centres, homes, holiday camps, fully or partially inpatient facilities for the care and accommodation of elderly, disabled or persons in need of care, accommodation for the homeless, accommodation for asylum seekers and refugees, other mass accommodation and prisons (cf. section 36, paragraphs 1, 3 of the Infection Protection Act ([vgl. § 36 Abs. 1, 3 Infektionsschutzgesetz](#))).

In the case of employees in health care facilities, the employer not only has the right to know the vaccination status due to the vaccination mandate of 15 March 2022, but the employees are legally obliged to provide proof.

8. May I attend a vaccination appointment during working hours?

Yes. In accordance with the Corona Occupational Health and Safety Ordinance, the employer must allow workers to be vaccinated against the Corona virus during working hours. You must be given time off for this. It is not clearly regulated whether you have to be paid during this time off.

9. Are there consequences for me if I do not get vaccinated even though I was offered vaccination?

The employer may not penalise a lack of vaccination, as there is neither a legal mandate to vaccinate nor can the employer introduce one.

However, there are consequences pertaining to the 3G rule, the quarantine rules and compensation payments if you have been ordered into quarantine.

10. Do I get wages from my employer if I have to go into quarantine and cannot work from home?

If you can perform your work from home, you can work like normal during quarantine and you're your pay accordingly.

If you are unfit for work because you are infected and have severe symptoms, you have to take sick leave and receive sick pay.

If you are neither unfit for work nor able to work from home, a distinction must be made:

- Have you been fully vaccinated or recovered? Then you are entitled to a compensation payment in the amount of your salary under the Infection Protection Act. You receive this payment from your employer instead of your salary; the health authority will reimburse the employer. If your employer refuses, you can also apply for compensation directly to the relevant office.
- **If you have not been vaccinated or recovered even though you had the opportunity to be vaccinated, you will no longer receive a compensation payment since November 2021!** The same applies if you have undertaken an avoidable journey to a risk area and therefore have to go into quarantine. A trip is avoidable if there are no compelling reasons for it that cannot be postponed.

11. What are the rules on quarantine?

There are three situations in which you have to be quarantined or in which the health department mandates quarantine.

First: You are infected.

Secondly: You have had close contact with a person who is infected.

Thirdly: You are entering Germany from a high-risk or virus-variant area. The current classification of travel countries can be found on the website of the Robert-Koch-Institute.

The quarantine generally lasts ten days. After seven days, however, it is possible to end the quarantine prematurely by means of a negative PCR or rapid test. This also applies to infected persons.

Exceptions: Persons who fulfil one of the following conditions are exempt from quarantine after contact with infected persons or after entry from high-risk areas: They are boosted, they are vaccinated and recovered, they are either double vaccinated or recovered within the past three months.

These regulations are changed regularly - so be sure to keep updated!

12. What do I have to bear in mind when entering Germany from abroad?

Obligation to provide proof

Since 23 December 2021, all people entering the country from abroad must present a negative coronavirus test. This detection requirement applies up to and including 3 March 2022. The test must be either a PCR test that is no more than 72 hours old or a rapid antigen test that is no more than 24 hours old. If entering from a high-risk or virus variant area, it must be a PCR test.

Exceptions: Vaccinated or recovered persons who did not enter from a virus variant area do not have to submit a test result.

Compulsory registration

Travellers from high-risk areas and virus variant areas must complete the digital entry application at <https://www.einreiseanmeldung.de> before entering the country and have the confirmation received with them on entry.

Entry quarantine obligation

Travellers from high-risk or virus-variant areas must go home or to other accommodation at their destination immediately after arrival and remain in isolation for ten days (domestic quarantine). Quarantine can be ended after seven days if a negative test result has been transmitted and confirmed via <https://www.einreiseanmeldung.de> ("freitesten").

Exceptions: Individuals who meet one of the following requirements: They are boosted, they are vaccinated and recovered, they have either been vaccinated twice or recovered within the past three months.

For further exceptions see question 13.

13. Exemptions from the entry quarantine requirement for short stays or for cross-border commuters

Regardless of vaccination status, there are exceptions that exempt you from quarantine after entry if you are symptom-free:

- You have only transited a high-risk or virus variant area.
- You are a transport worker - that is, you transport persons, goods or merchandise on a professional basis.
- You have spent less than 24 hours in a high-risk or virus-variant area in the context of border traffic or you will only spend up to 24 hours in Germany.
- You are a cross-border commuter. As such, you must enter Germany for the purpose of exercising your profession.
- You are making a short visit to close relatives of less than 72 hours.
- You have to enter Germany for necessary inpatient treatment.

If your situation is not clear to you, contact our advisory centres or call the Corona hotline.

Links:

FAQ DGB National Executive Board

[FAQ on 3G at the workplace from the DGB in Saxony](#)

[Integration commissioner: What you need to know about the Corona virus](#) (23 languages)

Disclaimer: This publication contains general information for guidance. No guarantee can be given for the correctness of all information and no legal claims can be derived.