

Client Alert

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Taiwan - Epidemic Warning Lowered to Level 2 - What Employers Need to Know

Taiwan's COVID-19 warning level has been at level 3 since 15 May 2021 (being placed at level 4 will result in a lockdown), meaning that most employees have been required to work from home, and all in-person classes at schools have been suspended. Recently, due to steadily decreasing COVID-19 case numbers, the Central Epidemic Command Center (CECC) announced that the epidemic warning level will be lowered from level 3 to level 2, from 27 July to 9 August 2021.

Notwithstanding that a considerable number of restrictions will be eased under Level 2, local governments and the general public remain cautious and conservative about the relaxed measures. Please find below the main points employers should be aware of.

1. Employers can decide whether to request employees to return to the office at their discretion.

Considering the current vaccine coverage and testing accessibility, the Health Minister has advised companies to retain their work-from-home schemes. For employers who wish to request that their employees return to the office, our recommendations are as follows:

- Minimize the number of employees in the workplace.
- Follow the recommendations of the CECC's official guidelines, including but not limited to: (1) conducting temperature testing and confirming no employees entering the workplace are suffering from any COVID-19 symptoms; (2) requesting that employees wear face masks at all times; and (3) practicing social distancing (1.5 meters indoors; 1 meter outdoors).
- Be mindful that medical information is sensitive personal data protected by Taiwan's Personal Data Protection Act. In principle, employers cannot inquire whether employees have been vaccinated or have taken a COVID-19 test before returning to the office. Employers should not force their employees to get vaccinated or take a test either.

2. Capacity limit management at commercial venues

Under the CECC's general guidelines issued on 23 July 2021, crowd control or capacity limit management at commercial venues is as follows:

- Gatherings of a maximum of 50 people indoors and 100 people outdoors are now permitted, compared to five people indoors and 10 people outdoors previously. Company gatherings (e.g., shareholders' meetings) where the number of participants exceeds the limitations above, can either be held partially online and/or with appropriate epidemic prevention and control measures in place.



3. Disease prevention care leave

Although the Ministry of Education has announced that daycare centers, schools of all levels, and cram schools may resume in-person classes if they follow relevant government guidelines (e.g., temperature testing for all staff and students entering campuses, etc.), the Taipei City government has not followed such loosened measures due to the relatively high infection rate in the city. Thus, employers in Taipei City should note that employees might still need to apply for disease prevention care leave (unpaid in principle) to take care of their children, and their employers must approve such leave requests, if appropriate.

If a more detailed explanation or further assistance is required, please feel free to contact us. Please note that Taiwan's Ministry of Labor has recently issued a guideline on employees who are working from home. A client alert in this regard will follow soon. Thank you.

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