



OPTIONAL COVID CHECK « 3G » IN COMPANIES

Since 11 February 2022, the Covid Check "3G" scheme (Geimpft, Genesen, Getestet - Vaccinated, Cured, Tested) is no longer compulsory and has become optional in the workplace again. A tripartite agreement was also signed between the government, the UEL and the LCGB and OGBL trade unions.

> COVID CHECK IN THE WORKPLACE

The application of the **optional** Covid Check "3G" scheme in companies can only be made subject to the written agreement of the staff delegation.

For companies that are not subject to the obligation to set up a staff delegation, this decision may be taken unilaterally by the employer.

In addition, in order to allow a new decision *-both the abolition or the continuation of application-* to be taken in agreement with the staff delegation, it is possible to apply a maximum transitional period of 14 days from 11 February 2022, during which the 3G in place since 15 January 2022 continues to apply.

For companies that have agreed with their staff delegation on the continued application of the Covid Check "3G" scheme, employees must continue to have one of the following certificates in order to access their employer's premises:

- **Certificate of vaccination;**
- **Certificate of negative test (48-hour PCR or 24-hour rapid antigenic test);**
- **Certificate of recovery;**
- **certificate of contraindication to vaccination**, accompanied in this case by a negative test certificate or a negative result of a self-test to be carried out on the premises.

In this case, the optional scheme implemented must be notified in advance by electronic means to the Health Directorate on its scope of application and displayed in a visible manner on the employer's premises.

If the optional Covid Check "3G" scheme is not implemented in the workplace, companies will have to ensure that the protective measures against the spread of the virus are respected: social distancing of 2



metres between people, compulsory wearing of masks and assignment of seats when the 50-person threshold is reached in gatherings.

The new COVID law still allows the employer to apply the regime to people outside the company, to all or part of the premises.

Finally, in the context of the application of the optional "3G" Covid Check, the said law still maintains certain guarantees which are as follows:

- to facilitate these checks, the employer is still allowed to keep a list of vaccinated or reinstated employees, on a voluntary basis, which can only contain the full names of the vaccinated or reinstated persons and the period of validity of the certificates;
- without a valid Covid Check, the employee will not be able to access the employer's premises. Several alternatives are then possible: teleworking or taking legal leave. If the parties fail to agree on either option, the employee automatically loses the remuneration corresponding to the hours not worked;
- employees who do not have a valid Covid Check are still protected against dismissal;
- employees who are denied access to their workplace still benefit from continued compulsory social security coverage.

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