



# APAC COVID-19 FAQ EDITION V – 4 MAY 2020

Employment Law Expertise Provided by  
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# 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 fourth edition of this paper was published on 24 April 2020 and can be found [here](#). As the situation is constantly evolving, we are providing weekly updates to our readers. This is the fifth edition and includes updates from Malaysia, Philippines, Singapore and Thailand.

Readers should take note that this information is accurate as at 30 April 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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# CONTENTS

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## [APAC COVID-19 FAQ – Edition IV \(24 April 2020\)](#)

### **Edition V – Updated Jurisdictions:**

**Malaysia • 1**

**Philippines • 8**

**Singapore • 14**

**Thailand • 17**

# MALAYSIA

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

**A:**

- The Movement Control Order (“MCO”), which began on 18 March 2020, is now in its fourth phase tentatively to end on 12 May 2020. On 1 May 2020, the Prime Minister announced the conditional movement control order (“CMCO”) with various economic activities including air travel (domestic and international flights) allowed from 4 May 2020, subject to the conditions and standard operating procedure which have been set.
- Inter-state travel will be allowed from 7 May 2020 to 10 May 2020.
- Foreign travelers - with the exception of diplomats, permanent residents and expatriate pass holders working in essential services sectors - are barred from entering Malaysia. Exempted foreigners and Malaysians returning to the country must undergo a 14-day self-quarantine upon arrival in Malaysia.

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

**A:**

- Employers should check the latest advisory on travelling and assess the risks related to business travel plans based on the latest advisory.
- Require employees to declare any foreign/interstate travel, whether for business or personal purposes.
- Non-essential business travel should be deferred. Consider alternate communication methods e.g. virtual meetings. If business travel is unavoidable and alternative options such as teleconferencing and video-conferencing are not possible, employers should arrange for their employees to consult a doctor for travel health advice prior to travel.
- For employees whose work is performed in affected countries/regions, employers should ensure that the employees are adequately protected or monitored.
- Require employees who return from travelling to observe home surveillance if necessary as per Ministry of Health advice.

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

**A:**

- With the announcement of the CMCO on 1 May 2020, most businesses save for those on the National Security Council’s list of prohibited businesses/activities, will be allowed to operate starting 4 May 2020 subject to stringent health standard operating procedures.

# MALAYSIA

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- The list of prohibited activities is reflected under the Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) (No. 5) Regulations 2020 gazetted on 3 May 2020 and they are:
  - ❖ Entertainment, leisure and recreational activities which may cause a crowd to gather
  - ❖ Activities relating to religious, cultural and art festivities which may cause a crowd to gather
  - ❖ Business activities which may cause a crowd to gather
  - ❖ Activities at a centralized labor quarters, employees' hostel and dormitory which may cause a crowd to gather
  - ❖ Fitting of clothes, using fitting rooms in clothes stores, trying on fashion accessories in stores and providing cosmetic testers in stores
  - ❖ Services in barbershops and beauty salons
  - ❖ Filming movies, dramas, documentaries and advertisements
  - ❖ Cruise ship activities, tourism services, and services at accommodation premises under the Tourism Industry Act 1992 [Act 482]
  - ❖ Installation and maintenance of machinery activities (lift, escalator, boiler and others) and tower crane at construction sites in groups which may cause a gathering
  - ❖ Theory and Practical Examinations for Shot-firer (Blasting) for mining and quarrying industry
  - ❖ Certification for agriculture commodities
  - ❖ Activities of financial services industry and banking, involving sales and marketing, not within the premises of financial institutions and banks, or in public places
  - ❖ Commercial activities involving sales and marketing not within business premises, or in public places, not including food business at food courts, hawker centers, food stalls, food trucks, and the like

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

**A:**

- Sectors which are allowed to operate during the CMCO must adhere to the respective standard operating procedures set by the authorities including social distancing, compulsory staff screening, limiting customer headcount, ensuring the use of hand sanitizers and face masks, disinfection exercises.
- Where it is practical, employers should request employees to work from home and provide the employees with the necessary facilities to work from home. Employers need to consider whether these employees need to be available at all times during their contractual working hours and arrange for remote meetings and appointments. Employers also need to consider whether the employees are prohibited from performing work outside of their home base due to security concerns and enforce employees' obligations around data protection and the requirements on them to prevent data breaches during this period. Employers need to set in

# MALAYSIA

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place a system for daily/weekly updates to be provided regarding the status of the remote work arrangements.

**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:**

- With the announcement of the CMCO, the National Security Council released detailed SOPs for each sector to comply in order to ensure that social distancing and precautionary measures are set in place.
- Employers must establish and implement best-practices guidelines on social distancing especially at common areas such as production facilities (production floor), cafeteria / canteen, meeting rooms, multipurpose hall, photocopier rooms etc.
- Social distancing of 1 - 2 meters between an individual and another.
- Employers to set alternate working days or flexible working arrangements.
- Alternate communication methods e.g. virtual meetings, online transactions.
- Minimize group contact e.g. implementing staggered lunch breaks, conducting virtual meetings

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

**A:**

- This results in added costs to the business. Employers need to make plans on how to operate at a reduced capacity if alternative strategies that could help businesses function despite employees’ inability to work together in the same space cannot be implemented.
- Employers need to consider implementing staggered shifts or other alternative work schedules.
- Employers need to make post-MCO operations plans when operations are allowed to resume at full capacity. Physical distancing measures and employee hygiene practices should continue to be implemented. Some additional post-MCO measures in respect of the physical workplace for consideration are:
  - I. **Setting up Emergency Response Team**

Employers are advised to establish dedicated Emergency Response Teams (“ERT”), whose primary functions are to monitor employee absenteeism or sick leave. The employees within the ERT should also be the primary persons in the event employees demonstrate Covid-19 related symptoms.
  - II. **Mandatory temperature monitoring at premises’ entry points**

# MALAYSIA

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Temperate monitoring should be placed at the employers at the entry points of the premises. Employees registering a temperature of 37.5 °C and above should be advised to return home.

**III. Alternative working schedules**

Alternative working schedules should be implemented in order to minimize workplace density and promote social distancing. Employers should consider introducing alternate working shifts for employees to this effect.

**IV. Maintaining record of attendees to business premises**

Employers are advised to maintain a record of all individuals entering its business premises to facilitate contact tracing measures.

**V. Sanitization of common areas**

Employers are advised to regularly sanitize its premises in one day, particularly in high traffic common areas (for example: lobbies, elevators, cafeterias and washrooms).

**VI. Restrict non-essential work travel**

Non-essential work travel arrangements should, as far as possible, be restricted. Employers are advised to promote tele-conferencing and to avoid any inter-state/overseas travel.

**VII. Communicating health guidelines to Employees**

It is crucial for employers to communicate all the measures implemented to ensure that its employees are aware and fully comply with the Standard Operating Procedures.

- Where it is practical, employers should request employees to work from home and provide the employees with the necessary facilities to work from home. For these employees, employers need to consider whether these employees need to be available at all times during their contractual working hours and arrange for remote meetings and appointments. Employers also need to consider whether the employees are prohibited from performing work outside of their home base due to security concerns and enforce employees' obligations around data protection and the requirements on them to prevent data breaches during this period. In addition, employers need to set in place a system for daily/weekly updates to be provided regarding the status of the remote work arrangements.

**Q: What cost-cutting measures can employers employ in light of the Covid-19 situation?**

**A:**

- ❖ Removal of discretionary payments and non-contractual benefits (e.g. freezing of salary increments, annual bonuses or promotions)

# MALAYSIA

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- ❖ Freezing of recruitment
- ❖ Restriction of overtime work
- ❖ Reduction in number of shifts, hours or days or work
- ❖ Voluntary salary reduction
- ❖ Temporary lay-off
- ❖ Retrenchment (as a last resort)

These cost-cutting measures are likely to be seen in the next three to six months post-MCO

## **Q: How should employers implement the cost cutting measures?**

**A:**

- Removal of all discretionary payments and non-contractual benefits may include freezing of salary increments, annual bonuses or promotions. There should be a corresponding freeze on recruitment. These should be communicated to employees and the financial impact of COVID-19 on the business should be shared before a voluntary salary reduction as an alternative to retrenchment is sought. An alternative is to implement a reduced work week which will have a corresponding impact on the salary of employees. This however can only be effected with the consent of the employees. Communication is key in dealing with the situation as is transparency within the organization on the impact of COVID-19 on its business.
- Where there is a collective agreement in place, employers may negotiate with the trade union to seek a variation of the collective agreement under section 56 of the Industrial Relations Act 1967 by showing that there are "special circumstances" to warrant such variation of its contractual obligations.
- In the event of a downsizing exercise employers will have to comply with the applicable laws on retrenchment in effecting the same including the provision of the requisite notifications to the Labor Department

## **Q: How should employers implement the cost cutting measures?**

**A:**

### **I. Prihatin Grant for Micro Enterprises**

Application for this grant opened on 1 May and will be managed by the Inland Revenue Board. Eligible micro businesses will receive a grant of RM3,000 each.

### **II. Wage Subsidy Programme**

The Government will provide a salary of RM600 per month to every employee for 3 months. The programme is dedicated to workers earning less than RM4,000 and employers experiencing more

# MALAYSIA

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than 50% decrease in their income since 1 January 2020. Employers must ensure that there is no retrenchment or imposing unpaid leave or forcing a wage cut for the next 3 months after the implementation of the programme. Application for the wage subsidy programme opened on 1 April 2020 and will continue to be open for application until 15 September 2020.

### III. **BNM Fund for SMES**

Bank Negara Malaysia (BNM) has allocated RM6.3 billion to help small and medium enterprises (SMEs) sustain their businesses and preserve jobs.

### IV. **e-CAP for SMEs**

The Employees Provident Fund (EPF) has recently launched the Employer Covid-19 Assistance Programme (e-CAP) to help SMEs manage their monthly cash flow and retain their workforce.

e-CAP allows eligible SMEs flexibility to choose to apply for a deferment and restructuring of the employer's share of EPF contributions for the months of April, May and/or June 2020. The deferred contribution for the month of choice can then be settled over a maximum period of three months.

The e-CAP measure complements other coronavirus-related initiatives that have been announced by the EPF, including the reduction of the employee's share of contributions from 11% to 7% and the i-Lestari withdrawal facility that allows withdrawals from Account 2.

Employers not eligible for e-CAP can still engage with the EPF for alternative solutions to help ease their cash flow constraints that arose following the COVID-19 pandemic.

### V. **Business (Cash Flow Issues)**

The EPF had launched the Employer Advisory Services (EAS) programme on 15 April 2020. This service includes options for deferral of payments, restructuring and rescheduling of employer contributions.

Exempt payment for Human Resources Development Fund (HRDF) levy for all sectors for a period of six months beginning April 2020. This measure is expected to assist the company's cash flow with a total savings of RM440 million.

# MALAYSIA

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Postponement of income tax instalment payments to all SMEs for a period of 3 months beginning 1 April 2020. This is in addition to the previously announced measures where the Government has postponed tax instalment payments to affected businesses in the tourism sector for 6 months beginning 1 April 2020. For other affected sectors, they are also allowed to revise the amount of income tax imposed in the third, sixth and ninth instalments during the basic accounting period.

Offer by banking institutions of a 6-month moratorium, conversion of credit card balance to term loans and restructuring of corporate loans. The bank's income from interest or profit from loans or financing involved with the moratorium will only be taxable when the income is received after the moratorium period. In addition, the moratorium will be extended to loans from TEKUN, MARA and cooperatives as well as other government agencies providing financing to SMEs beginning 1 April 2020. During the announcement of additional measures under the Prihatin Rakyat economic stimulus package on 6 April 2020, the Prime Minister also called on licensed moneylenders registered under the Moneylenders Act 1951 that provide credit facilities to impose a 6-month moratorium on loans for SMEs beginning April 2020.

## **VI. Business (Corporate)**

The Government will provide a RM50 billion guarantee scheme with a guarantee of up to 80% of the loan amount for the purpose of financing working capital requirements. The scheme will be managed and subject to credit evaluation by Danajamin. The facility is targeted at viable businesses in all sectors facing difficulties due to the COVID-19 outbreak. The minimum guaranteed loan size is RM20 million per business. Application for this facility opened on 1 May and will be available for application until 31 December 2020 or until the fund is fully utilized.

The Finance Minister recently said that the government's national economic recovery plan could be announced by the end of May. This recovery plan aims to revive the national economy in the short, mid and long-term.

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# MALAYSIA

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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:**

On April 24, 2020, the Philippine Government announced a further extension of the Enhanced Community Quarantine (“**ECQ**”) up to May 15, 2020 for high risk areas. Please refer to APAC COVID-19 FAQ Edition IV – 24 April 2020 for a discussion on ECQ restrictions.

As of April 30, 2020, the following have been identified as high risk areas and will remain under ECQ: National Capital Region (where Metro Manila is located); Region III (Central Luzon except the Province of Aurora); Region IV-A (CALABARZON); Pangasinan Province; Benguet Province; Iloilo Province; Iloilo City, Cebu Province; Cebu City; Bacolod City; and Davao City.

Other areas considered as low-risk or moderate-risk areas will be placed under General Community Quarantine (“**GCQ**”) from May 1 to 15, 2020, provided that as a precondition, minimum health standards are achieved and continuously observed.

On April 30, 2020, the Presidential Spokesperson announced the proposed omnibus guidelines in relation to the implementation of ECQ in high risk areas and GCQ in low-risk or moderate-risk areas as approved by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (“**IATF**”). As of April 30, 2020, the President has yet to formally approve the proposed guidelines.

## Proposed ECQ Guidelines

The IATF approved the following updated guidelines in relation to the implementation of ECQ in high risk areas:

1. Any person below twenty-one (21) years old, those who are sixty (60) years old and above, those with immunodeficiency, comorbidities, or other health risks, and pregnant women, including any person who resides with the aforementioned, shall be required to remain in their residences at all times, except when indispensable under the circumstances for obtaining essential goods and services or for work in permitted industries and offices.
2. Manufacturing and processing plants of basic food products, medicine and vitamins, medical supplies, devices and equipment, and essential products such as but not limited to soap and detergents, diapers, feminine hygiene products, toilet papers and wet wipes, and disinfectants may continue to operate. Manufacturers of medicines, medical supplies, devices and equipment, including but not limited to suppliers of input, packaging, and distribution, shall be allowed to operate at full capacity. However, establishments involved in the production, manufacturing,

# PHILIPPINES

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packaging, processing, and distribution of food may only operate at a maximum of 50% of their workforce unless the Department of Trade and Industry (“**DTI**”) permits a higher capacity.

3. The list of sectors/industries allowed to operate in ECQ areas has been expanded to now include the following:
  - Delivery services, whether in-house or outsourced, transporting clothing, accessories, hardware, housewares, school and office supplies, as well as pet food and other veterinary products;
  - Waste disposal services, as well as property management and building utility services;
  - Airlines and aircraft maintenance services subject to the guidelines to be issued by the Department of Transportation (“**DOTr**”) and provided social distancing of at least one-meter shall be observed;
  - Work on facilities identified for purposes of quarantine and isolation, including such facilities for the health sector, emergency works, flood control, and other disaster risk reduction and rehabilitation works (construction workers accredited by the Department of Public Works and Highways are allowed to work in these projects);
  - Manufacturing companies and suppliers of equipment or products necessary to perform construction works;
  - Work on utility relocation works, and specified limited works across thirteen (13) railway projects (workers accredited by the DOTr shall be allowed to work on these projects provided that, where applicable, on-site or near-site accommodations and/or point-to-point shuttle services are arranged for them);
  - Philippine Postal Corporation at a capacity necessary to maintain the prompt delivery of services to its clients;
  - The Philippine Statistics Authority, at a capacity necessary to conduct data gathering and survey activities related to COVID-19 and the registration and implementation of the national identification (ID) system;
  - Funeral and embalming services (funeral service operators are directed to provide shuttling services and/or housing accommodations for their personnel and staff);
  - Humanitarian assistance personnel from civil society organizations, non-government organizations, and United Nations-Humanitarian Country Teams, as well as individuals performing relief operations to augment the government’s response against COVID-19 and

# PHILIPPINES

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other disasters or calamities that may occur (provided, that they are authorized by the appropriate government agency or LGU);

- Necrological or funeral rites services conducted by religious ministers;
- Veterinary clinics; and
- Security services.

Other exemptions from the home quarantine requirement through previous IATF resolutions or issuances by the Office of the President shall still be honored. Please refer to APAC COVID-19 FAQ Edition IV – 24 April 2020 for a discussion on the Covered Establishments that are allowed to operate in ECQ areas.

## GCQ Guidelines

The IATF approved the following proposed guidelines in relation to the implementation of the GCQ in low-risk or medium-risk:

1. Minimum public health standards shall be complied with at all times for the duration of the GCQ.
2. The movement of all persons in areas placed under GCQ shall be limited to accessing essential goods and services, and for work in the offices or industries permitted to operate. Movement for leisure purposes shall not be allowed.
3. The general population may go out of their homes for purposes of accessing essential goods and services and for work in the permitted industries during the implementation of GCQ. People under the age of 21, senior citizens (60 years old and above), those with immunodeficiency, comorbidities, or other health risks, and pregnant women, including any person who resides with them, are still required to stay at their homes, except when indispensable under the circumstances for obtaining essential goods and services and for work in permitted industries and offices.
4. Work in government offices may be at full operational capacity, or under such alternative work arrangements as agencies may deem proper in accordance with the relevant rules and regulations issued by the Civil Service Commission.
5. The following sectors/industries are allowed to operate in GCQ areas:
  - Category I establishments are allowed to operate at full capacity: Agriculture, fishery, and forestry industries, food manufacturing and food supply chain businesses, including food retail establishments such as supermarkets, grocery stores, and food preparation establishments insofar as take-out and delivery services, food delivery services, health-related establishments, the logistics sector, information technology and telecommunication companies, the media;

# PHILIPPINES

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- Category II establishments are allowed to operate at anywhere between 50% up to full operational capacity, and without prejudice to work-from-home and other alternative work arrangements: Mining and other manufacturing, export-oriented, and electronic commerce companies, as well as other delivery, repair and maintenance, and housing and office services;
  - Category III establishments are allowed to operate at a maximum of 50% work-on-site arrangement, and without prejudice to work from-home and other alternative work arrangements: Financial services, BPOs, legal and accounting, and auditing services, professional, scientific, technical, and other non-leisure services, and other non-leisure wholesale and retail establishments;
  - Limited operations in malls and shopping centers shall be allowed (except for leisure establishments and services which shall continue to be closed). Establishments and services allowed to operate in malls and shopping centers may only operate at a lower capacity and DTI may issue guidelines to limit foot traffic in such establishments; and
  - Essential public and private construction projects, such as but not limited to sewerage, water services facilities, and digital works, and health facilities, and priority projects, shall be allowed to operate in accordance with guidelines issued by the DPWH.
6. Category IV industries shall not be allowed to operate even in GCQ areas. These industries include amusement, gaming, and fitness establishments, as well as those in the kids and the tourism industries. DTI shall issue a separate guidelines on the other industries that shall not be allowed to operate under the GCQ.
  7. No hotels or similar establishments shall be allowed to operate *except* to provide basic lodging to the following guests: (a) for areas outside Luzon, guests who have existing booking accommodations for foreigners as of May 1, 2020; (b) guests who have existing long-term bookings; (c) distressed and repatriated Overseas Filipino Workers (“**OFWs**”); (d) stranded Filipinos or foreign nationals; (e) non-OFWs who may be required to undergo mandatory facility-based quarantine; (f) healthcare workers; and (g) other employees from exempted establishments.
  8. Mass gatherings are prohibited even in GCQ areas. Essential work gatherings and religious activities may continue so long as strict social distancing, defined as the strict maintenance of at least two (2)-meters distance between and among those attending, and the mandatory wearing of face mask, face shield, or other facial protective equipment by attendees, is maintained during

# PHILIPPINES

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the entirety of the event.

9. The road, rail, maritime, and aviation sectors of public transportation shall operate at a reduced capacity in accordance with guidelines to be issued by the DOTr. In all public transports, a strict one (1) meter distance between passengers shall be observed and appropriate engineering controls in place.
10. Local Government Units will also be required to impose curfew measures for non-workers in areas placed under the GCQ and to penalize, in a fair and humane manner, violations of the restrictions on the movement of people.

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

**A:**

The establishments in GCQ areas that are allowed to re-open are required to observe minimum health and safety protocols in the workplace such as observing physical distancing, wearing of masks, and providing alcohols and sanitizers to their workers. They may also be required to operate at lower capacity.

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

**A:**

Yes. Please see our response to the question above on *“Are there government directions restricting travel out of or into your jurisdiction (“Travel Restrictions”)?”*

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

**A:**

Please see our response to the question above on *“Please state what implications such Travel Restrictions have in managing employees”*.

**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:**

Yes. The establishments that are allowed to reopen in areas under GCQ are still required to observe physical distancing measures in the workplace.

# PHILIPPINES

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

**A:**

Considering that establishments that are allowed to reopen in areas under the GCQ are still required to observe physical distancing policies in the workplace, they may still have to operate at a lower capacity than their usual (prior to the ECQ), and they may still have to implement flexible working arrangements (such as rotation of workers).

**Q: Are there any schemes to help businesses cope with the additional staff related costs resulting from the Covid-19 situation?**

**A:**

The deadline for the filing of an application for the Small Business Wage Subsidy Program was extended from April 30, 2020 to May 8, 2020. Please refer to APAC COVID-19 FAQ Edition IV – 24 April 2020 for a discussion on the program.

The Bureau of Internal Revenue has likewise extended the deadline for employers to file their monthly remittance return and to remit the income taxes withheld on the compensation income of their employees within 30 days from the lifting of the ECQ.

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# SINGAPORE

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

**A: Stay-Home Notice (“SHN”)**

From 9 April 2020, 2359 hours, all Singapore Citizens, Permanent Residents and Long Term Pass holders entering Singapore must serve a 14-day period of self-isolation at dedicated SHN facilities.

All returning travelers who departed Singapore from 27 March 2020 must bear the full cost of their 14-day SHN at dedicated SHN facilities.

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

**A: Enhanced Circuit Breaker Measures**

With effect from 21 April 2020, 2359 hours, enhanced measures have been implemented to curb the spread of COVID-19. A reduced number of businesses are permitted to operate. Within the food and beverage sector, standalone outlets selling only beverages, packaged snacks, confectioneries or desserts must close their outlets.

Additional restrictions have also been placed on select customer-facing businesses. For example, certain businesses (such as optician shops) have to operate by appointment only and cannot accept walk-in customers. Pet supplies stores and retail laundry services must close their physical stores and can only provide online services and delivery.

Furthermore, businesses that are less critical for daily living or to essential supply chains must suspend their on-site activities. The affected employers will be notified by the Ministry of Trade and Industry (“**MTI**”) and will have 24 hours upon notification to suspend their on-site business operations completely.

The above measures has been implemented for a two-week period from 21 April 2020 to 4 May 2020 (inclusive). Furthermore, the original circuit breaker period from 7 April 2020 to 4 May 2020, has been extended until 1 June 2020 (inclusive).

# SINGAPORE

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Employers that have previously received approval from the MTI to operate during the original circuit breaker period from 7 April 2020 to 4 May 2020 can continue to do so until 1 June 2020. The MTI will notify businesses that have to suspend operations.

As a precautionary move, the Ministry of Manpower (“**MOM**”) has required all work permit holders and S Pass holders in the construction sector to be placed on a mandatory 14-day SHN. This is for the period of 20 April 2020 to 4 May 2020 (both dates inclusive). The Dependant Pass holders of said workers will also be placed on a mandatory 14-day SHN. This measure does not apply to those staying in any dormitory gazetted as an isolation area, or any foreign employee dormitory.

**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:** Where businesses are permitted to operate, cross-deployment or movement of employees across different workplace premises is not allowed. Employers must ensure that there is no physical interaction between teams working in different locations. Employers must also ensure that employees on-site at workplaces are wearing masks at all times.

Additionally, the MOM and the Land Transport Authority (“**LTA**”) require employers and lorry owners to adopt safe distancing measures when ferrying workers involved in providing essential services in lorries. Employers and lorry owners must ensure workers are able to maintain a distance of 1m from each other while seated at the back of lorries.

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

**A:** Where applicable, employers must ensure that employees only work at one branch and are not scheduled to work at different branches. This is particularly important for food and beverage businesses with multiple outlets. If employees do not have a face mask, employers must procure sufficient masks and ensure that employees are wearing masks at all times.

In order to ensure workers are seated at least 1m away from each other in lorries, employers and lorry owners must review the maximum seating capacity for each lorry, clearly identify and mark out the appropriate location for workers to sit, and communicate such measures to workers and lorry drivers clearly. If necessary, employers should make provisions for additional trips and lorries.

# SINGAPORE

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**Q: Are there any schemes to help businesses cope with the additional staff related costs resulting from the COVID-19 situation?**

**A:** Under the Jobs Support Scheme (“JSS”), for the month of May 2020, all employers will receive a 75% cash grant on the gross monthly wages of each local employee (*i.e.*, Singapore Citizens and Permanent Residents). This cash grant is subject to a monthly wage cap of \$4,600 per employee. Employers who place local employees on mandatory no-pay leave or retrench them will not be entitled to this enhanced JSS payout for said employees.

Additionally, the JSS payout has been extended to cover the wages of employees of a company who are also shareholders and directors of the company. This support applies for the wages of shareholders and directors with an Assessable Income of \$100,000 or less for Year of Assessment 2019.

To ease labor costs for employers who hire foreign workers on work permits and S-passes, the monthly Foreign Worker Levy due in May 2020 will be waived.

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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.

# THAILAND

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The Civil Aviation Authority of Thailand has extended its order temporarily banning all inbound passenger flights through 31 May 2020. Unless the order is extended further, passenger flights are expected to be permitted to land as of 1 June.

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 arriving under these exempted flights are subject to a mandatory 14 day quarantine if arriving from “disease affected zones” (currently listed as China, South Korea, Iran and Italy), 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 10pm until 4am which has been in effect since 3 April 2020 and has just been extended through 31 May 2020.

For Bangkok, the following businesses have been ordered to be closed from 22 March 2020 through 30 April 2020 (an announcement concerning possible loosening of these restrictions is expected imminently):

1. dine-in restaurants (exceptions exist for delivery, takeaway and restaurants in hotels catering to hotel guests, and hospital restaurants)
2. All state and private parks
3. shopping malls/department stores/other retail outlets (exceptions exist for food markets, drug stores and other shops essential for daily living)
4. cafes inside convenience stores
5. non-food retail/markets
6. beauty salons, barber shops
7. tattoo shops

# THAILAND

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8. skating places, rollerblade places or similar
9. bowling places, amusement parks or game arcades
10. gaming centers and internet cafe like places
11. golf clubs and driving ranges
12. swimming pools or similar
13. cock fighting places or places to prepare for fighting
14. amulet shops
15. exhibition or meeting halls or the like
16. educational places (e.g., schools or tutoring centers of any kind)
17. weight control centers, beauty clinics and other beauty service centers
18. health care places (spas, health massage places, beauty massage places)
19. pet care places and pet day care centers
20. traditional massage places
21. bath houses, Japanese onsen places and sauna places
22. theaters (including movie cinemas and other places like concert or show places)
23. gyms and fitness centers (health clubs)
24. entertainment places and similar places (possibly referring to entertainment places defined under Thailand's *Entertainment Places Law*)
25. boxing stadiums and boxing schools
26. sports stadiums
27. horseracing stadiums
28. sports arenas
29. playgrounds
30. places of entertainment, public places for performance
31. museums
32. libraries
33. all kinds of meeting rooms, function rooms
34. snooker clubs
35. nurseries, except those operated in hospitals

# THAILAND

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Certain types of liquor cannot be sold through 30 April, and so businesses whose only business is to sell liquor may effectively be shut down during this period.

Business operators who fail to comply with this closure order face penalties ranging from imprisonment of up to one year, a fine of up to Baht100,000, 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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