



APAC COVID-19 FAQ

EDITION X – 5 JUNE 2020



Employment Law Expertise Provided by
Asia Pacific Members of the



INTRODUCTION

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 ninth edition of this paper was published on 29 May 2020 and can be found [here](#). As the situation is constantly evolving, we are providing weekly updates to our readers. This is the tenth edition and includes updates from Hong Kong and Philippines.

Readers should take note that this information is accurate as at 4 June 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

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

A: All premises previously ordered to be shut down have been allowed to reopen since 29 May 2020: (1) Amusement game centre; (2) Bathhouse; (3) Fitness centre; (4) Place of amusement; (5) Place of public entertainment; (6) Premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings; (7) Beauty parlour; (8) Club-house; (9) Establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment; (10) Karaoke establishment; (11) Mahjong-tin kau premises; and (12) Massage establishment. However, amongst others, activities and facilities involving higher health risks such as live performance, dancing activities, steam and sauna facilities, etc. will continue to be suspended or prohibited. Further, each of the aforementioned premises are still under certain restrictions.

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 18 June 2020 (with such date extendable by the Government), 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.



[Cynthia Chung](#)

Deacons
5th Floor, Alexandra House
18 Chater Rd, Central
Hong Kong

DEACONS
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PHILIPPINES

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

A: The Philippines remains under community quarantine. Limitations on movement and transportation and regulations on operating industries continue to be imposed. Areas are placed under Enhanced Community Quarantine (“**ECQ**”), Modified Enhanced Community Quarantine (“**MECQ**”), General Community Quarantine (“**GCQ**”) or Modified General Community Quarantine (“**MGCQ**”) depending on epidemic risk level, economic, social, and security considerations. Please refer to *APAC COVID-19 FAQ Edition VIII – 22 May 2020* for the definitions of these community quarantine classifications.

On May 29, 2020, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (“**IATF**”) issued Resolution No. 41, which updated the community quarantine classifications of various areas. All areas have been placed under either GCQ or MGCQ from June 1 to June 15, 2020. Among those classified as GCQ area is the National Capital Region (“**NCR**”).

IATF Resolution No. 41 did not mention any updates relating to inbound or outbound travel out of or into the Philippines.

On May 29, 2020, the Bureau of Immigration (“**BI**”) announced that international flight travel restrictions remain in place despite the lifting of MECQ in NCR and other areas. To recall, 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. Inbound travel remains limited to OFWs, Filipino citizens and their spouses and dependents, foreign diplomats, and foreign crew members of airlines. Quarantine procedures also remain in place. According to a press release issued by the Manila International Airport Authority on May 30, 2020, inbound flights are subject to a cap of 400 passengers a day.

The BI has resumed acceptance of work visa applications starting June 1, 2020 but only those with scheduled appointments secured online will be served.

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 travels of employees have to be deferred. Moreover, employers must consider the current limitations on inbound international flights and the processing of work visas and permits in relation to the hiring of expatriates.

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

A: Salons and barbershops are allowed to open in GCQ areas starting June 7, 2020 at an initial 30%

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operational capacity. After every two weeks, salons and barbershops can gradually increase their operational capacity up to 50% subject to social distancing protocols. In MGCQ areas, salons and barbershops may operate at a 50% operational capacity and may fully operate after three weeks. To recall, under the Omnibus Guidelines on the Community Quarantine in the Philippines (“**Omnibus Guidelines**”), as amended by IATF Resolution No. 38 issued on May 22, 2020, salons and barbershops were not allowed to operate in GCQ areas and were only allowed to operate at a fifty percent (50%) operational capacity in MGCQ areas.

On June 3, 2020, the IATF issued Resolution No. 43 further amending the Omnibus Guidelines. Among the amendments is the introduction of the term “accommodation establishments”, referring to establishments that are operating primarily for accommodation purposes (e.g., hotels, resorts, apartment hotels, tourist inns, motels, pension houses, private homes used for homestay, ecolodges, serviced apartments, condotels, and bed and breakfast facilities). Operations of hotels or accommodation establishments remain restricted to the accommodation of specific guests and subject to specific conditions. In addition, IATF Resolution No. 43 provides that said hotels or accommodation establishments may operate only upon the issuance of a certificate of authority to operate by the Department of Tourism.

Please refer to *APAC COVID-19 FAQ Edition IX – 29 May 2020* for the list of industries allowed to operate in community quarantine areas.

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: IATF Resolution No. 43 provides that mass gatherings such as work conferences shall be allowed in MGCQ areas, provided that participants are limited to 50% of the seating or venue capacity.



[Marianne M. Miguel](#)

SyCip Salazar Hernandez & Gatmaitan

105 Paseo de Roxas

Makati City 1226

Philippines



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