

## CovidCheck

### Legal framework applicable from November 1<sup>st</sup>, 2021

In the scope of CovidCheck, the entrance to companies and administrations (or spaces dedicated to CovidCheck), establishments receiving a public, public and private gatherings is reserved to :

- persons with a valid CovidCheck certificate (green display on the CovidCheck.lu application);
- for hospitals and facilities for the elderly or disabled: people who perform a quick self-test on site and whose result is negative;
- outside the above-mentioned sectors and only until October 31<sup>st</sup>, 2021: persons who perform a rapid self-test on the spot and whose result is negative.

The legal framework does not provide for a specific exception for people who cannot be vaccinated for medical reasons.

Children under the age of 12 years and 2 months are exempt from CovidCheck and testing

### Mandatory CovidCheck

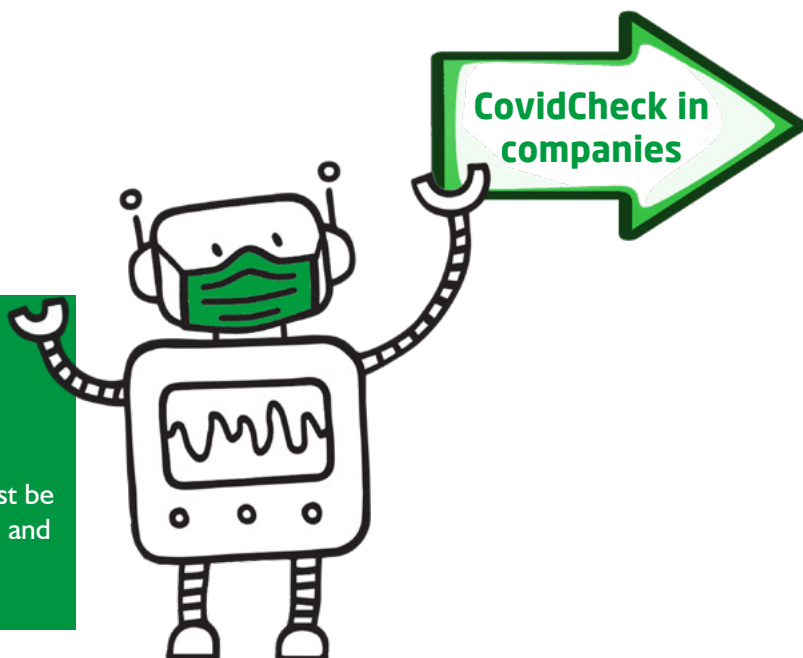
- inside catering and drinking establishments (customers & staff);
- at the entrance of hospitals and facilities for the elderly or disabled (staff, external service providers as well as visitors and patients from the age of 12 years and 2 months).

**Please note:** People who go to a hospital for an emergency and people who test positive for COVID-19 and need to be treated or admitted to a hospital cannot be refused entry.

### Optional CovidCheck

- any gathering of 11-2.000 people;
- terraces of restaurants and bars.

CovidCheck in companies



In selecting the CovidCheck regime, prior electronic notification to the Health Directorate and displays (exception: private gatherings) must be respected.

When notifying, the scope of application of CovidCheck must be precisely determined. Non-compliance with the notification and entry control is punishable by a fine of € 6.000.



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## CovidCheck in companies

The CovidCheck can optionally be requested for all or part of a company or public administration in the context of occupational health and safety protection.

Attention must be paid to comply with the responsibilities of the staff delegation (Art. 414-1 to L. 414-17 of the Labour Code, in particular with regards to health and safety at work and the employer's obligation to inform and consult the staff delegation if there are fewer than 150 employees, or the co-decision of the employer and the staff delegation if there are at least 150 employees).

### For the introduction of CovidCheck in companies, the LCGB calls for the following rules:

1. In all circumstances, the prevention of a coronavirus infection must remain the top priority.
2. The introduction of CovidCheck in a company must be motivated and based on objective criteria and a real necessity.
3. In accordance with the Labour Code, the introduction of CovidCheck must be done through information and consultation of the staff delegation and the health and safety representative.
4. No sanctions of employees (sending home, unpaid leave, dismissal, etc.) can take place in the context of the introduction and application of the CovidCheck.
5. As the introduction of CovidCheck depends entirely on the employer's wish, the direct and indirect costs for the company and the employees (especially the testing costs) must be borne by the employer.
6. The time required for Covid testing of non-vaccinated employees must be counted as working time.
7. The introduction of the CovidCheck must not lead to the processing of personal data.

Any non-compliance with these rules should be reported immediately to the LCGB so that we can react appropriately in the company concerned.

### Health measures without CovidCheck

- up to 10 people: no restrictions;
- $\geq 11$  people: compulsory wearing of masks and physical distance of 2 metres (exception: people who are part of the same household or cohabiting as well as groups of people consisting of max. 4 people).

### Health measures with CovidCheck

- no legal obligation to wear masks;
- no legal obligation to keep a physical distance.



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