The Coronavirus – Health Ministry Directives and their Impact on the Employment of Physicians

On January 27, 2020, the minister of health declared that the illness caused by the 2019 novel coronavirus is an infectious and dangerous disease that poses a serious threat to public health.

In addition, on January 30, 2020, the World Health Organization declared the virus outbreak a public health emergency of international concern (PHEIC).

In light of the fact that no vaccination is yet available to prevent the spread of the virus and there is no other known treatment, the Ministry of Health issued Public Health Decree (2019 Novel Coronavirus) (Home Quarantine) (Temporary Order)-2020 on February 2, 2020, which determines who is required to be in quarantine, and explains the significance of the quarantine and its duration. Subsequently, addition directives were published that included updates from the Ministry of Health.

On March 8, 2020, the Ministry of Health updated its directives, mandating home quarantine for those returning from the following places: China, Thailand, Hong Kong, Singapore, Macao, South Korea, Japan, Italy, France, Germany, Spain, Switzerland, Austria, San Marino, Andorra and Egypt.

We recommend keeping up-to-date via the Ministry of Health’s website regarding the places that require quarantine for those returning from them: https://govextra.gov.il/ministry-of-health/corona/coronavirus-en/.

Since these Health Ministry directives may affect the employment of physicians in the various workplaces during this period, we have collected a list of questions raised by physicians and answers relevant for the special situation that exists today due to the coronavirus.

We will continue to provide updates on an ongoing basis and in pace with developments.

Here is the list of questions and answers:

Who is obligated to go into quarantine?

Answer:

A. As of March 8, 2020, anyone who arrived in Israel, including via another country, after a stay in one of the countries listed above (China, Thailand, Hong Kong, Singapore, Macao, South Korea, Japan, Italy, France, Germany, Spain, Switzerland, Austria, San Marino, Andorra and Egypt) during the 14 days prior to arrival in Israel, or who participated in international gatherings outside of Israel during the past 14 days.

B. Anyone arriving in Israel via China, South Korea and Italy.
C. Anyone who has been in close contact with a patient [who has the disease].

Close contact means exposure in a medical institution to a patient, direct treatment of a patient, work with health employees who fell ill, an unprotected visit to a patient or presence in a room with a patient, work with a patient or presence in a classroom with a patient, travel with a patient in any means of transportation and within a distance of up to two seats from the patient’s seat, someone living in the same home as a patient, and any close contact with a patient that raises a fear of becoming infected.

Please keep up-to-date via the Health Ministry’s website and via the media about the past whereabouts of patients who have contracted the virus.

**What is the duration of the quarantine?**

**Answer:**

As a rule, the quarantine will be for a period of 14 days from the last stay in the relevant country for anyone returning from one of the countries listed above, or 14 days from the last contact with a patient.

**Who is eligible for sick pay for the quarantine period?**

**Answer:**

The days a worker is in quarantine under the directives of the temporary order will be considered sick days according to the law and will entitle the worker to sick pay. These days will be deducted from the worker’s quota of sick days.

The Israel Medical Association is currently fighting so that these days will not be deducted from physician’s accrued sick days and that physicians will receive full pay for the days spent in quarantine.

**Do I need to present a medical certificate [“sick note”] from my family doctor confirming the time I had to stay in quarantine?**

**Answer:**

According to the Health Ministry’s directives, work absences due to mandated quarantine will be considered an absence due to illness.

For this purpose, the Ministry of Health issued a comprehensive medical certificate for workers required to stay in quarantine, which was formulated to replace the medical certificate required by law, and no other medical certificate should be demanded from workers.
Nonetheless, workers are required to inform their employer, as soon as possible, that they are in quarantine and must specify the duration of the quarantine.

**Do these orders apply to self-employed physicians? As a self-employed physician, will I be entitled to any compensation for my absence stemming from the quarantine requirement?**

**Answer:**

A “worker” is defined in Public Health Decree (2019 Novel Coronavirus) (Instructions for an Employer of a Worker in Home Quarantine) (Temporary Order)-2020, to include a volunteer, employee and anyone providing services under the auspices of an employer, regardless of whether an employer-employee relationship exists.

In light of the above, in accordance with the order’s stipulations, a self-employed physician is also required to be in quarantine in order to prevent [the spread of] infection by the coronavirus.

However, the order makes no mention of compensation for the days a self-employed physician is required to stay in quarantine, and any decision on compensation payment for absences due to quarantine are likely to be made via a decree or government resolution.

As long as no decision is made on this matter by the Ministry or Health or by the government, the self-employed physician’s entitlement to compensation for absence due to quarantine depends on the terms of the contract signed with the party that hired the physician, at the beginning of the contract, similar to a regular absence due to illness.

In any case, the Israel Medical Association plans to submit a request to the Ministry of Health and Ministry of Finance in the coming days to extend compensation to self-employed physicians for the time they spend in quarantine, and to examine the possibility of working from home and receiving compensation for remote work.

**Will I have the option of coming to work despite the quarantine requirement, in light of the special situation due to the spread of the coronavirus?**

**Answer:**

The Ministry of Health has emphasized that a violation of the home quarantine order may be a criminal offense subject to legal sanction. A violation of the quarantine requirement may be considered “an act liable to spread disease” or “a violation of a legal directive.”

**As a physician, am I permitted to travel abroad on vacation or for work?**

**Answer:**
According to the temporary order of March 5, 2020, employees of the healthcare system are prohibited from traveling abroad and employers are prohibited from approving vacation for an employee of the healthcare system for the purpose of traveling abroad.

However, the head of the public healthcare system or the director is authorized to approve travel abroad for an employee of the healthcare system or a group of employees in special circumstances and under specified conditions.

For this purpose, an employee of the healthcare system is someone who works at a medical institution, an HMO [kupat holim], an organization that provides emergency medical services or a residence, as well as a student, intern, trainee or someone completing practical training for the health profession, including a volunteer, an employee of a personnel agency or a provider of services to one of these institutions.

I have to stay in quarantine for 14 days. Can I be required to come to work?

**Answer:**

An employer cannot demand that a quarantined employee come to the workplace and is obligated to prohibit this during the time in which the employee is required to stay in quarantine, even if the employee requests to enter the workplace.

Can an employee be fired for not coming to work due to being quarantined?

**Answer:**

Public Health Decree (2019 Novel Coronavirus) (Instructions for an Employer of a Worker in Home Quarantine) (Temporary Order)-2020 explicitly states that an employer is prohibited from firing an employee for his/her absence during the period of quarantine.

Below are links to Ministry of Health publications:

*(at the moment – 9:30 AM, none of these links are working and I don’t find English versions of them)*

- פרסום מטעם משרד הבריאות בנושא תעודת מחלה גורפת לעובד (לרבות נוסח הצהרה אישית של עובד) מיום 24.2.2020

- צו בריאות העם (נגיף הקורונה החדש) (בידוד בית) (הוראת שעה) התש"ף-2020
  - [https://www.health.gov.il/LegislationLibrary/Kor01.pdf](https://www.health.gov.il/LegislationLibrary/Kor01.pdf)

Please contact us with any questions at 03-6100444.