

New measures to combat the COVID-19 pandemic in the workplace introduced in Luxembourg

News - 23/12/2021

Following further disruption caused by new strains of Covid-19, new measures have been introduced in Luxembourg to combat the spread of the virus within the workplace.

The bill of law 7924 (the **Law**) came into force on 17 December 2021, following a vote on 16 December, and requires all employers to complete the previously optional Covid-checks in the workplace from 15 January 2022. The following main measures are applicable.

Until 14 January 2022

Until close of play on 14 January 2022, the Covid-check remains optional for employers. If the Covid-check is implemented, employees have to present one of the following certificates to enter the workplace under Covid-check (the **Certificates**):

- certificate of vaccination;
- certificate of recovery;
- 48 hour PCR negative or 24 hour rapid antigen test certificate; or
- certificate of contraindication to vaccination, together with a negative test certificate (48-hour PCR or 24-hour rapid antigen) or a negative self-test result done on site.

To facilitate controls, employers may keep a list of vaccinated or reinstated employees if certain conditions are met (eg inclusion on the list is on a voluntary basis, employees have the right to be removed from the list upon demand etc). This list must be deleted upon expiration of the Law.

From 15 January - 28 February 2022

As of 15 January 2022 and until 28 February 2022, the Covid-check becomes mandatory and all employees, public officials and self-employed persons must present one of the Certificates at their workplace.

As previously, it is possible to keep a list of vaccinated or reinstated employees to facilitate controls provided certain conditions (noted above) are met. This list must be deleted after 28 February 2022.

The Law further specifies sanctions in case of violations of the above provision:

- Employees who access their workplace without a Certificate could be fined EUR500 - EUR1,000.
- Employers who fail to check the Certificates could be fined up to EUR4,000

Access to the workplace will be refused in case of refusal or impossibility to present a Certificate. In such cases, the employee may take legal or conventional leave in agreement with the employer. If no agreement is reached or if the employee does not wish to use his or her leave, he or she will automatically lose the portion of his or her remuneration corresponding to the hours not worked. The period of unpaid absence would be considered as actual work for the determination of paid leave and seniority. The employee will remain affiliated to the social security system. Failure to present a Certificate and the resulting absence from work do not constitute grounds for dismissal or disciplinary action. Any termination of the employment contract to the contrary will be null and void.

The employer can decide whether persons external to the company accessing the building are also subject to the Covid-check. Access to the public service and the continuity of the public service remain guaranteed.

For more information on this update, contact a member of the team or your usual Ogier contact.

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Meet the Author



[Bertrand Gérardin](#)

Partner

[Luxembourg Legal Services](#)

E: bertrand.geradin@ogier.com

T: [+352 2712 2029](tel:+35227122029)

Key Contacts



[Sarah Verlende](#)

Managing Associate

[Luxembourg Legal Services](#)

E: sarah.verlende@ogier.com

T: [+352 2712 2074](tel:+35227122074)

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