



Embassy Newsletter

Russell Advocaten

January 2021

Our Embassy Desk wishes you and your team a healthy and prosperous New Year and all the best for 2021

As trusted legal advisors to many Embassies and Consulates for decades, the specialist lawyers of our Embassy desk would like to draw your attention to a few topics in times of COVID-19.



Compulsory vaccination for employees?

Now that the COVID-19 vaccinations have started, the question arises: Can you oblige your employees to be vaccinated? After all, as an employer you have to ensure a safe and healthy working environment for your employees. You want to prevent colleagues but also, for example, your relations and visitors from being put at risk by an employee who does not get himself vaccinated.

However, an obligation to be vaccinated is a violation of the employee's fundamental rights, such as the right to physical integrity. Therefore, a balancing of interests will always have to be made between the employee's fundamental rights and the interests of the employer. If the employer's interests are considered to be more important, the refusal to be vaccinated could have employment consequences for the employee, such as adjustment of the work, an obligation to work from home or even - in extreme cases - dismissal.

Protection of personal data when working from home

Especially now that a lot of work is carried out from home, employers must be aware of the privacy risks involved. This applies all the more to Embassies. The Embassy will have to carefully ensure the protection of personal data of employees as well as visitors, applicants for visa, etc. First of all, inform your employees of your Embassy's privacy policy and how to act in the event of certain situations, e.g. a data leak. In addition, ensure that a secure connection can also be used when working from home, by means of two-factor authentication and a VPN connection. Finally, make good arrangements with the employee about the use of the work laptop and/or their own equipment. This is the only way that personal data can be protected as good as possible when working from home.



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Reimbursement of travel expenses during COVID-19?

Because of the coronavirus crisis, many people work from home, thus many employees do not incur travel expenses at the moment. Employers are not obliged to continue reimbursement of travel expenses of their employees, but they may do so. Employers may continue to pay the existing fixed travel allowances untaxed for six weeks. This arrangement prevents the compensation from being suddenly stopped if employees, for example, suddenly work from home more.

Because of COVID-19, the Ministry of Finance indicated that employers may continue to pay the travel allowance untaxed even after these six weeks, in any case until 1 February 2021. Even if these travel expenses are no longer (fully) incurred as a result of working from home. A condition is that these are fixed allowances that had already been granted by the employer before 13 March 2020.

Do you have any more questions?

If you have any questions or if you would like to receive information on any (COVID-19 related) legal subjects, please let us know. We will gladly assist you!

Yours sincerely,
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