

Checklist: Leave Types and COVID-19's Impact

Different countries have different leaves of absence to which employees may be entitled, and many countries' governments have introduced COVID-19–related leave legislation or enacted measures updating existing leave rights. Leaves of absence rules that cover similar concepts may use different terminology in different locations. Global employers may want to take note of the following leave types that could apply to their business operations and keep apprised of leave requirements that may have changed in light of the COVID-19 pandemic. This checklist is a guide only and does not address issues related to employees with remote-work capabilities. The [fourth](#), [fifth](#), and [sixth](#) episodes (in addition to a [recap episode](#)) of the Global Solutions series address remote-work–related issues.

Leave Type ¹	COVID-19 Illustration	Checklist
General principles applicable to leave eligibility and/or leave use	An employee specifies any COVID-19–related reason for requesting leave.	<ul style="list-style-type: none"> All statutory leave requirements Special COVID-19–related enactments All company leave policies (whether specific to COVID-19 or not) Benefit plan eligibility conditions Individual employment agreements Collective bargaining agreements Government subsidies for employers with employees on leave for COVID-19–related reasons.
Annual leave ² (i.e., vacation or holiday ³ leave)	The employer seeks to have employees take a “collective vacation” at a designated time when COVID-19 has caused operational reductions.	<ul style="list-style-type: none"> Laws regarding collective vacation and/or an employer’s ability to designate vacation timing Pre-COVID-19 provisions in employment contracts and policies, including collective bargaining agreements, delineating an employer’s ability to impose a collective vacation New laws or enactments regarding employers’ abilities to impose collective vacations as cost-cutting measure for COVID-19–related reasons.
	Employees request to extend vacation time beyond the normal allotment during a post-entry quarantine following an international vacation.	<ul style="list-style-type: none"> Statutory leave or policy-governed leaves (paid or unpaid) such as emergency leave or personal circumstances leave Existing carryover and forfeiture rules (e.g., laws, policies, and payroll practices)
	Employees are unable to take their vacation allotment because of COVID-19.	<ul style="list-style-type: none"> Government enactments or guidance on offering additional vacation carryover for COVID-19–related reasons Existing carryover and forfeiture rules (e.g., laws, policies, and payroll practices)
Sick leave (i.e., medical leave, family medical leave, or short-	<i>Symptomatic:</i> An employee has been diagnosed with COVID-19 or has symptoms consistent with COVID-19 but has not received a formal COVID-19	<ul style="list-style-type: none"> Current public health guidance on self-isolation related to COVID-19 symptoms, as compared with company policies Privacy laws

This resource is provided as companion content to our podcast, Global Solutions: Episode 11, and its information is current as of August 26, 2020. Companion references are abridged from laws, court decisions, and administrative rulings and should not be construed or relied upon as legal advice. If you have questions concerning particular situations and specific legal issues, please contact an attorney. Employers may also want to monitor applicable public health authority

guidance and [Ogletree Deakins' Coronavirus \(COVID-19\) Resource Center](#) for the latest developments.

Leave Type ¹	COVID-19 Illustration	Checklist
<i>term disability leave</i>	<p>diagnosis. Alternatively, an employee is suffering from a chronic condition after recovering from COVID-19.</p> <p><i>Asymptomatic:</i> An employee is self-isolating because of an employer-imposed or government-imposed requirement <i>or</i> the employee has asked to self-isolate in circumstances not required by law or policy.</p>	<ul style="list-style-type: none"> • Laws on an employer's ability to require documentation or substantiation in connection with leaves of absence (whether specific to COVID-19 or not) • Public health guidance on requiring documentation in connection with COVID-19. • Guidance related to vulnerable individuals from government or public health agencies • Current public health guidance on self-isolation related to exposure, travel, or asymptomatic individuals, as compared with company policies. • Special COVID-19 leave entitlement for employees quarantining or in self-isolation
Carer's leave (<i>i.e., family leave or family medical leave</i>)	<p>An employee is caring for a child when schools are closed. See Global Solutions, Episode 9: School's Out For ... Ever</p> <p>The employee is caring for someone with COVID-19.</p>	<ul style="list-style-type: none"> • Special COVID-19 leave related to school closures or closures generally • Statutory leave that may apply, such as carer's leave, emergency leave, or family leave; laws or guidance interpreting or extending special leave to COVID-19–related situations • Diversity and inclusion policies and initiatives
Other COVID-19–related leave situations	<ul style="list-style-type: none"> • Government-imposed or employer-imposed quarantines of asymptomatic individuals exist for reasons such as travel or exposure. • An employee requests to give blood after recovering from COVID-19. • An employee is a participant in COVID-19 research. • An employee refuses to come to the workplace citing unsafe conditions. • An employee refuses to agree to entry screening requirements. • An employee resides with an individual at higher risk of COVID-19 complications or severe COVID-19 illness. 	<ul style="list-style-type: none"> • New statutory leave enactments related to COVID-19; new or existing company policies that may apply to the circumstances • Privacy laws • Laws regarding an employer's ability to require documentation for leave requests • Laws or requirements governing an employer's ability to require vacation use • Guidance and/or laws extending sick leave or other statutory leave to COVID-19 circumstances • Current public health guidance as compared to company COVID-19 policies • Accrual, carryover, and forfeiture rules for all applicable leaves • Occupational health and safety laws and guidance related to employee rights and safe working conditions • Diversity and inclusion policies and initiatives



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¹ Parenthetical information in the “Leave Type” column reflects other terminology commonly used to describe the same general leave type. These illustrations are not exhaustive, and leave terminology often differs in its operation by jurisdiction.

² Employers with specialized vacation policies (such as paid time-off policies combining vacation and sick leave, unlimited vacation policies, flexible vacation policies, or use-it-or-lose-it policies) may face additional issues, as these may interact problematically with local laws regarding accrual, carryover, forfeiture, and payout of leaves.

³ “Holiday” may be used colloquially in some locations to mean “vacation.” Its usage here should not be construed to mean “public holiday.”