

## **Epidemic Status - What Does This Mean?**

From March 20, 2020, the government introduced an epidemic status in Poland. Announcing the status of the epidemic allows for a number of restrictions, including the introduction of a ban on leaving certain areas, an order to stay in other areas different than the current ones, closing institutions and workplaces, rationing certain goods, directing to work in combating the epidemic, providing premises, taking over vehicles, surrendering the testing.

### **So what does this mean for medics?**

In view of the state of the epidemic, it became possible to delegate staff to work on fighting it. The decision to refer medical staff to work is made by the Governor or the Minister of Health. Based on such a decision, each medic is obliged to perform work in order to combat the epidemic in a place other than the current workplace.

Information about this:

- who can be referred to work and who is not subject to such referral?
- how will this decision be communicated, is such a decision final?
- how long can such a delegation last?
- what about the current place of employment and remuneration during the posting?
- and what is the risk of not complying with the above decision?

we can get from art. 47 section 1 of the Act on preventing and combating infections and infectious diseases in humans.

### **1. Who can be directed to work by the Minister of Health?**

- Employees of medical entities (persons employed under an employment contract as well as contracts).
- Medical professionals (even if in this situation they are not employed anywhere or run private practices).
- Other persons, if their referral is justified by the current needs of entities managing epidemic control.

### **2. Who cannot be directed to risky work when fighting an epidemic?**

- Persons who are under 18 years of age or over 60 years of age
- Pregnant women

- Single parents up to 18 years old
- Persons bringing up a child up to 14 years of age (in the case of two parents with the obligation to work given by the Minister of Health includes the exemption from the obligation of only one parent)
- Persons raising children with a disability certificate
- Persons with partial or total incapacity for work
- Invalids and people with chronic diseases
- People in managerial positions, deputies and senators.

### **3. How will the referral decision be delivered?**

- Written form.
- Orally, by phone, through the police - (not less than 3 days from the date of commencement of work, it should be additionally provided in writing).

### **4. Where can staff be delegated?**

A medic may be directed to work in a therapeutic entity or other organizational unit throughout the country. The voivode's decision delegates a medic to work in the voivodship. By the decision of the Minister of Health, a medic can work throughout the country.

### **5. Is the referral decision final?**

The Voivode's decision may be appealed to the Minister of Health. *Important ! The referral decision works immediately, which means that despite being dismissed, the delegated medic must appear in order to perform his duties until receipt of the decision.*

### **6. How long does work based on referrals take?**

The decision to refer to work to combat the epidemic imposes the obligation to work for up to 3 months.

### **7. What about your current workplace?**

The employer is obliged to grant the employee appointed to fight the epidemic an unpaid leave for the duration of his delegation (the period of leave is included in the period of work)

## **8. Remuneration for work on referral?**

- The entity to which the medic will be delegated is obliged to establish a legal relationship with him/her.
- The undertaken work is entitled to remuneration in the amount not lower than 150% of the average basic salary provided for in a given workplace at the plant indicated in the decision.

## **9. What about accommodation and meals while working on referral?**

- Persons delegated to work are entitled to reimbursement of costs of travel, accommodation and meals at the new workplace.
- This regulation does not apply if people are provided with free accommodation and meals.

## **10. What is the risk of not complying with the obligation to work on the basis of a referral?**

- Failure to comply is an offense, in the event of such an offense a fine of PLN 20-5.000 may be imposed on the basis of art. 47
- Nevertheless the fine can also be imposed under the provisions on military mobilization, and thus it is more severe.

### **Compiled by:**

Małgorzata Perlak, MA - psychologist, psychotherapist, CDiSM medical simulation trainer.

Lic. Kinga Słabosz - medical rescuer, CDiSM medical simulation technician.

### **Bibliography:**

- Rozporządzenie Ministra Zdrowia z dnia 20marca 2020r.w sprawie ogłoszenia na obszarze Rzeczypospolitej Polskiej stanu epidemii
- Ustawa z dnia 5 grudnia 2008 r. o zapobieganiu oraz zwalczaniu zakażeń i chorób zakaźnych u ludzi.