

ADMINISTRATION OF EMPLOYEES WITH CHRONIC DISEASES IN THE MIDST OF THE ECONOMICAL CRISIS DUE TO COVID-19

BY PUBLIO CORTÉS



THE ECONOMICAL CRISIS CAUSED BY THE PANDEMIC IS INCREASING THE PRESSURE LAID UPON BUSINESS TO DECREASE EXPENSES. IT IS OBVIOUS THAT ONE OF THE SEGMENTS WHERE THE DIMINISH OF EXPENSES SADLY APPLIES IS THE ONE REGARDING EMPLOYEES AND THEIR SALARIES.

DURING THAT EVALUATION PROCESS IT IS IMPORTANT THAT THE BUSINESS COMPLY WITH THE LABOR LAW SCHEME IN ORDER TO PREVENT THAT A LOGICAL ECONOMIC DECISION, COULD BECOME A HEADACHE IF YOU FAIL TO COMPLY WITH AN ESTABLISHED PROTECTION.

ONE OF THE FACTORS THAT MUST BE TAKEN INTO ACCOUNT IN PANAMA IS THE 2005 ACT 59 WHICH "ADOPTS LABOUR PROTECTION NORMS TO PEOPLE WITH CHRONIC DISEASES, INVOLUTIVES AND/OR DEGENERATIVES THAT PRODUCE WORKING INCAPABILITY", AS AMENDED, IT ESTABLISHES THAT EVERY NATIONAL OR

FOREIGNER EMPLOYEE, THAT HAS THOSE DISEASES INCLUDING THE CHRONIC RENAL FAILURE, HAS A RIGHT TO KEEP THEIR LABOR POSITION WITH THE SAME CONDITIONS THAT THEY USED TO HAVE BEFORE THE MEDICAL DIAGNOSIS.

NOW, THE GENERAL CONCEPT OUTLINED REQUIRES CERTAIN PROVISIONS DETAILED IN THE SAME ACT, THOSE BEING:

- THE PROTECTION TO SICK WORKERS WITH THE SICKNESSES CONTEMPLATED BY THE ACT CANNOT BECOME A FIRING REASON AS LONG AS THE WORKER COMPLIES WITH "THE REQUIREMENTS TO CONTINUE TO WORK IN A POSITION THAT IS COMPATIBLE WITH THEIR HIERARCHY, FORCE, APTITUDES, PREPARATION AND THEIR NEW CONDITION."
- THERE ARE CHRONIC DISEASES THAT THE ACT DETAILS EXPRESSLY: CHRONIC RENAL FAILURE, MELLITUS DIABETES, CANCER, HIGH BLOOD PRESSURE AND ACQUIRED IMMUNODEFICIENCY SYNDROME. BUT THAT LIST IS NOT CLOSED, BECAUSE THE ACT HAS A GENERIC MEANING FOR THE CHRONIC DISEASES AND THE DISEASES OUTLINED ARE ONLY CONCRETE EXAMPLES. THE DEFINITION IS AS FOLLOWS:



CHRONIC DISEASES ARE "THOSE THAT ONCE DIAGNOSED, AND THEIR TREATMENT IS LONGER THAN THREE MONTHS, IS ONLY PALLIATIVE AND NOT CURATIVE, WHICH IMPLIES A CHRONIC CONDITION." IN OTHER WORDS, ANY OTHER DISEASE THAT FITS WITHIN THAT DEFINITION, EVEN IF IT IS NOT EXPRESSLY STATED, CAN BE CONSIDERED CHRONIC BY THE LAW.

- THE SAME THING OCCURS WITH INVOLUTIVE DISEASES -- THERE IS A GENERAL DEFINITION: "THOSE THAT ANTAGONIZE THE NATURAL EVOLUTIONARY PROCESS OF THE HUMAN BEING AND THAT BECOME CONSUMPTIVE PROCESSES BY THE ORGANISM." THEN A LIST OF DISEASES SUCH AS MULTIPLE SCLEROSES, SCLERODERMA AND ADULT MYOPATHIES APPEAR. THESE THREE DISEASES ARE CONCRETE EXAMPLES BUT, ONCE AGAIN, THOSE THAT FIT WITHIN THE DEFINITION WILL BE CONSIDERED UNDER THE LAW TO BE INVOLUTIVE.
- FINALLY, THE SAME THING HAPPENS WITH DEGENERATIVE DISEASES, WHERE THE GENERAL DEFINITION STATES THAT "ARE THOSE NOSOLOGICAL PROCESSES THAT CAUSE DETRIMENT AND PROGRESSIVE DETRIMENT OF HUMAN ACTIVITIES." IT ALSO INCLUDES A LIST OF DISEASES WITH NON-EXCLUSIVE EXAMPLES THIS TIME COMPRISED BY OSTEOARTHRITIS RHEUMATOID, DEGRADING DISEASES OF THE CENTRAL AND PERIPHERIC NEURAL SYSTEM, CENTRAL AND PERIPHERIC NEURAL SYSTEM DEMYELINATING DISEASES.
- WHO DETERMINES THE CONDITION OF SAID WORKERS? THAT IS THE JOB OF AN INTERDISCIPLINARY COMMISSION NOMINATED FOR SAID ISSUE OR BY THE DIAGNOSIS OF TWO SPECIALIZED DOCTORS. WHILE THE VERDICT IS EMITTED, THE WORKER WILL KEEP THEIR WORKING POSITION.



- ADDITIONALLY, THERE IS A PROHIBITION OF DISCRIMINATION OR HARASSMENT TO CAUSE THE WORKER WITH THESE DISEASES TO QUIT AND THAT WOULD BE DEEMED “UNJUSTIFIED FIRING”. THE FIRE OF THESE WORKERS WILL ONLY BE ALLOWED IF IT IS JUSTIFIED AND HAS BEEN AUTHORIZED PREVIOUSLY BY THE LABOR SECTIONAL TRIBUNALS.

THIS REGIME IS STILL VALID DURING THE PANDEMIC CAUSED BY COVID-19
AND THE CURRENT ECONOMICAL CRISIS HAS NOT DEROGATED IT, WHICH IS WHY IT SHOULD BE RESPECTED. AN EVIDENCE OF THAT IS THAT THE AUTHORITIES ADDRESSED THE SUBJECT SINCE THE BEGINNING OF THE PANDEMIC IN PANAMA.

BY MEANS OF THE EXECUTIVE DECREE 78 OF MARCH, 16TH 2020, IT WAS ESTABLISHED THAT THE EMPLOYEES WITH CHRONIC DISEASES COULD



BENEFIT FROM EXPIRED VACATIONS OR ADVANCED BY A MINIMUM OF FIFTEEN CALENDAR DAYS.

FURTHERMORE, BOTH THE HEALTH MINISTRY AND THE LABOUR MINISTRY HAVE RECOMMENDED THAT THESE EMPLOYEES, DUE TO BEING OF HIGH RISK DURING THE PANDEMIC, REACH TO AN AGREEMENT WITH THEIR



EMPLOYERS TO MAKE USE OF CURRENT OR ADVANCED VACATIONS (EVEN GOING UP TO THE YEAR 2022) OR TO ADOPT THE TELEWORK REGIME IN ORDER TO AVOID WORKING SPACES WITH A HIGH VOLUME OF PEOPLE.

THEY ALSO RECOMMEND TO ROTATE THEM TO OTHER ACTIVITIES WHERE THEY HAVE A LESSER RISK OF INFECTION. THAT VISION WAS CONTEMPLATED IN THE PROTOCOL TO PRESERVE THE HYGIENE AND HEALTH IN THE WORKING AMBIT TO PREVENT COVID-19 PUBLISHED BY THE LABOR MINISTRY ACTING WITHIN ITS LEGAL FACULTIES.

NOW THAT WE ARE DEALING WITH THIS SUBJECT, IT IS VALID TO WONDER IF THE ACTUAL DISEASE CAUSED BY COVID-19 IS A CHRONIC, INVOLUTIVE OR DEGENERATIVE DISEASE.

THE ANSWER TO THAT QUESTION CORRESPONDS TO SCIENTISTS AND DOCTORS, BUT THERE HAVE BEEN SERIOUS PRESS REPORTS THAT SUGGEST THE POSSIBILITY OF AT LEAST A SMALL PERCENTAGE OF COVID-19 SURVIVORS, COULD MAINTAIN SEQUELS FOR A LONGER TIME.

AMONGST THOSE REPORTS WE HAVE:

- MELISSA HEALY'S APRIL 10TH OF 2020 REPORT IN LOS ANGELES TIMES: "CORONAVIRUS INFECTION MAY CAUSE LASTING DAMAGE THROUGHOUT THE BODY, DOCTORS FEAR"

The screenshot shows the Los Angeles Times homepage with a search bar and login options. Below it, a yellow banner reads "LIMITED-TIME OFFER | \$1 for 4 weeks". The main headline is "Coronavirus infection may cause lasting damage throughout the body, doctors fear".



Medical staff attend to a COVID-19 patient. Doctors are seeing signs of long-term health problems in patients who have recovered from the disease. (Sascha Schuermann / Getty Images)

By MELISSA HEALY | STAFF WRITER
APRIL 10, 2020 | 3:03 PM

Prognosis

Virus Survivors Could Suffer Severe Health Effects for Years

By Lisa Du
May 12, 2020, 4:00 PM EST

- ▶ Research shows long-term health issues can stem from virus
- ▶ Boris Johnson's physician calls it 'this generation's polio'



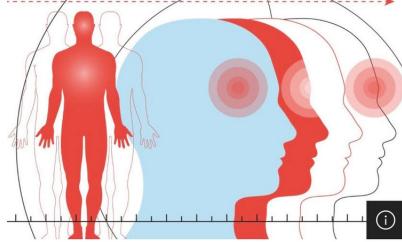
The Coronavirus Symptoms You May Not Know About

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Revealed: the long-term severe effects of Covid-19 that could go on for months

Wide-ranging and often 'bizarre' symptoms can persist weeks and even months after first falling ill

By Georgina Hayes
21 May 2020 • 5:30pm

Health

These people have been sick with coronavirus for more than 60 days.

Doctors aren't sure why.



By Ariana Eunjung Cha, Lenny Bernstein
JUNE 11, 2020

- LISA DU'S MAY 12TH OF 2020 REPORT IN BLOOMBERG: "VIRUS SURVIVORS COULD SUFFER SEVERE HEALTH EFFECTS FOR YEARS".
- GEORGINA HAYES'S MAY 21ST OF 2020 REPORT IN THE TELEGRAPH: "REVEALED: THE LONG-TERM SEVERE EFFECTS OF COVID-19 THAT COULD GO ON FOR MONTHS."
- ARIANA EUNJUNG CHA AND LENNY BERNSTEN'S JUNE 11TH OF 2020 REPORT IN THE WASHINGTON POST: "THESE PEOPLE HAVE BEEN SICK WITH CORONAVIRUS FOR MORE THAN 60 DAYS."

WHILE IT IS TOO EARLY TO KNOW FOR SURE, IT IS STILL PRUDENT TO BE AWARE OF THE EVOLUTION OF THE SUBJECT BECAUSE THAT COULD BRING ECONOMICAL CONSEQUENCES REGARDING THE EXPENSES OF THE ORGANIZATIONS.

IT IS TRUE THAT IF TIME AND SCIENTIFIC JUDGEMENTS CONFIRM THAT THERE ARE SEQUELS TO AT LEAST A PERCENTAGE OF COVID-19 SURVIVORS, AND SAID SEQUELS ARE QUALIFIED AS CHRONIC, INVOLUTIVE OR DEGENERATIVE DISEASES BY DOCTORS, ACCORDING TO THE DEFINITIONS OF THE 2005 ACT 59, AS AMENDED, AND IT APPEARS THAT THOSE PERSONS ARE EMPLOYEES OF A BUSINESS IN PANAMA, SAID WORKERS WOULD BE PROTECTED BY THE LAW AS WAS EXPLAINED IN THIS ARTICLE.



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