

Advice for Employers and Employees
Coronavirus

CORONAVIRUS:

ADVICE FOR EMPLOYERS AND EMPLOYEES

The World Health Organisation (WHO) has declared the Covid-19 outbreak to be a pandemic due its rapid geographic spread. With almost 1,500 infected with the virus in the UK alone, businesses, schools and hospitals are increasingly feeling the impact.

The UK government is attempting to delay the spread of coronavirus and reduce the epidemic's peak.

Individuals **MUST** now stay at home for 7 days if they have either a high temperature or a new, continuous cough, following government guidance for self-isolation.

In this uncertain situation, it is paramount that employers prioritise the health and safety of employees and adopt a clear strategy going forward, taking any necessary steps to protect their employees.

ACAS has produced some guidance on coronavirus and recommends that employers:

- keep everyone updated on actions being taken to reduce risks of exposure in the workplace
- make sure everyone's contact numbers and emergency contact details are up to date
- make sure managers know how to spot symptoms of coronavirus and are clear on any relevant processes, for example sickness reporting and sick pay, and procedures in case someone in the workplace develops the virus
- make sure there are clean places to wash hands with hot water and soap, and encourage everyone to wash their hands regularly
- provide hand sanitiser and tissues for staff, and encourage them to use them
- consider if protective face masks might help for people working in particularly vulnerable situations
- consider if any travel planned to affected areas is essential

SICK PAY

The employer's usual sick leave and pay entitlements apply if someone has coronavirus.

The government has stated that if NHS 111 or a doctor advises an employee or worker to self-isolate, they are entitled to Statutory Sick Pay (SSP). SSP will be made available from day one when self-isolating, instead of day four, as announced by the Prime Minister.

If the employer offers contractual sick pay, it's good practice to pay this.

An employer is usually required to pay statutory sick pay at a rate of £94.25 per week (rising to £95.85 from 6 April 2020).

The Chancellor of the Exchequer has announced that the UK government will reimburse small businesses (i.e. those with 250 employees or less) for any sick pay paid to employees during their first 14 days of absence.

IF AN EMPLOYEE IS NOT SICK BUT THE EMPLOYER TELLS THEM NOT TO COME TO WORK

If an employee is not sick but their employer tells them not to come to work, they should get their usual pay. For example, if someone has returned from China, Italy or another affected area and their employer asks them not to come in.

As of 13 March 2020, employees who self-isolate in accordance with guidance from Public Health England, will be eligible to receive SSP.

IF AN EMPLOYEE NEEDS TIME OFF WORK TO LOOK AFTER SOMEONE

Employees are entitled to time off work to help someone who depends on them (a 'dependant') in an unexpected event or emergency. This would apply to situations to do with coronavirus. For example:

- if they have children they need to look after or arrange childcare for because their school has closed
- to help their child or another dependant if they're sick, or need to go into isolation or hospital

There is no statutory right to pay for this time off, but some employers might offer pay depending on the contract or workplace policy.

The amount of time off an employee takes to look after someone must be reasonable for the situation. For example, they might take 2 days off to start with, and if more time is needed, they can book holiday.

At the UK Budget on 11 March 2020, the Chancellor announced that SSP will be temporarily extended to cover:

- individuals who are unable to work because they have been advised to self-isolate; and
- people caring for those within the same household who display coronavirus symptoms and have been told to self-isolate.

IF EMPLOYEES DO NOT WANT TO GO TO WORK

Employees who voluntarily self-isolate without symptoms, and without their employer's agreement, could be required to attend work by their employer. However, employers should take people's concerns seriously, especially if there are underlying health conditions, including mental health.

If there are genuine concerns, the employer must try to resolve them to protect the health and safety of their staff. For example, if possible, the employer could offer flexible working.

If an employee still does not want to go in, they may be able to arrange with their employer to take the time off as holiday or unpaid leave. The employer does not have to agree to this.

If an employee refuses to attend work, it could result in disciplinary action.

IF SOMEONE WITH CORONAVIRUS COMES TO WORK

If someone with coronavirus comes to work, the workplace does not necessarily have to close. The local Public Health England (PHE) health protection team will get in contact with the employer to:

- discuss the case
- identify people who have been in contact with the affected person
- carry out a risk assessment
- advise on any actions or precautions to take

If the employer needs to close the workplace An employer may want to plan in case they need to close the workplace temporarily. For example, making sure staff have a way to communicate with the employer and other people they work with.

If there is a temporary business closure, employers are obliged to continue paying employees' wages in full unless there are contractual provisions that can be relied on or parties specifically agree otherwise.

WORKING FROM HOME

Where work can be done at home, the employer could:

- ask staff who have work laptops or mobile phones to take them home so they can carry on working
- arrange paperwork tasks that can be done at home for staff who do not work on computers

PROTECTING EMPLOYEES WITH CORONAVIRUS

Under UK data protection law, personal data concerning health is 'special category data'. This means that employers need to ensure that any communication does NOT include any data about the individual who is absent. For example, whilst it would be fine to let employees know that there has been a confirmed coronavirus case within the office workplace, it would not be appropriate to provide any personal details from which the individual might be identified.

KEEP INFORMED...

Keep abreast of Government and public health advice and refer to trusted sources such as:

www.gov.uk

www.nhs.uk

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