

Workplace guidance in light of the coronavirus outbreak

The following information has been put together based on ACAS guidance.

If an employee actually experiences symptoms, they should go off sick and be paid sick pay as usual.

Employees should follow normal absence reporting procedures if they're not able to attend work. However, the employer might need to make allowances if, for example, employees are not actually sick but are quarantined, advised to self-isolate or are unable to leave an affected area. An employee might not be able to get a sick note in those circumstances.

Employees may not be showing any symptoms but may:

- have been advised by a Doctor to self-isolate;
- have been placed in quarantine as a precautionary measure; or
- be abroad in an affected area and not allowed to travel back to the UK.

In those cases the employee is not actually sick. There is therefore no statutory right to pay if they cannot work for these reasons. However, firstly it would be harsh not to pay staff in those circumstances where they are only following advice or are physically incapable of attending work. Secondly, saying that you will not pay them may cause staff to come to work instead of self-isolating and risk further spread of the virus. We suggest that employees absent for these reasons are either treated as off sick or, by agreement with the employee, granted annual leave.

If an employee becomes unwell in the workplace and has recently come back from an area affected by coronavirus, ACAS guidance is as follows:

- get at least 2 metres (7 feet) away from other people
- go to a room or area behind a closed door, such as a sick bay or staff office
- avoid touching anything
- cough or sneeze into a tissue and put it in a bin, or if they do not have tissues, cough and sneeze into the crook of their elbow
- use a separate bathroom from others,

If possible the unwell person should use their own mobile phone to call either, for NHS advice: 111; for an ambulance, if they're seriously ill or injured or their life is at risk: 999. They should tell the operator their symptoms, which country they've returned from in the last 14 days

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 an employee chooses not to attend work due to an outbreak, the starting point is that it is down to the employer's discretion whether to pay them (for what could be quite a long period). We suggest you listen to your employee's concerns and, if these are well-founded then, where practicable, you should consider granting home working, annual leave or unpaid leave. If an employee unreasonably refuses to attend work, they could be disciplined for that. You should seek our advice before taking any disciplinary action.

If you instructed an employee not to attend work, you could lay them off temporarily if you have a right in the contract to do so. They would then be entitled to statutory guarantee pay of £29 per day for the first 5 days. If you do not have the right to lay them off, you would need to continue paying them.

Employees are entitled to a reasonable amount of unpaid time off to provide assistance to a dependant in an unexpected event or emergency. This could well apply to situations to do with coronavirus. For example, schools may close and alternative arrangements for childcare may need to be made.

- Employers should consider the following steps to help prevent the spread of the virus:
- make sure there are clean places for staff to wash hands with hot water and soap, and encourage everyone to wash their hands regularly
- give out hand sanitisers and tissues to staff, and encourage them to use them
- consider if any business travel planned to affected areas can be avoided

Staff Policy

It would be wise to create a policy. Let's say for example you have team members that visit client premises. The client may ask what your policy is, therefore it's important to be able to give them this. We may also be asked by customers who are due to visit our premises what our policy is.

Some useful resources which will help create the policy are here:

FSB Website <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/guidance-for-employers-and-businesses-on-covid-19>

NHS Website <https://www.nhs.uk/conditions/coronavirus-covid-19/>

Sick pay guidance

Most, if not all of us won't have a sick pay scheme, which means that anyone who has to take time off work will only qualify for Statutory Sick Pay. For most people, this amount won't be enough for them to survive on meaning they may still come into work even though they are carrying the virus, which in turn could pass on the virus to others. So, do we create a short term sick scheme that ensures team members stay at home?

Most employers pay SSP. The advice from the Government is that anyone who is recommended to self-isolate will be deemed to be sick and therefore entitled to SSP (from day 1 rather than day 4). If the virus spreads and there is more self-isolation, if employers start to pay full pay that could become quite expensive. That said, employees who self-isolate but are not actually sick may be prepared to work from home to receive more than SSP if indeed home working is permissible.

Holiday guidance

The government is claiming to be in the containment phase of proceedings. They are hoping to delay the full blown effects of the virus until the summer months when the pressure on the NHS would be lower. If this is the case, then might it be wise to encourage our team members to take some holidays now to ensure we have as much resource available to us when we need it most in the summer?

Most employees will not want to take holidays now because they may be afraid of travelling and if they do, some employers may consider the risk of the coronavirus being heightened if employees are travelling further afield? In any case, employers have the right to refuse holiday requests so if employees request time off at a time when this does not suit, they could simply say no.

Child Care guidance

A tipping point could be reached if Schools are forced to close. To be proactive, what can we do to help with childcare so that our team members can still come to work? Can we for example create a creche facility at work where all of the team members children come?

All employers should regularly check the government website for up to date information about the spread of the virus and the risk to the public

<https://www.gov.uk/guidance/coronavirus-covid-19-information-for-the-public>.

This is likely to keep changing and you will need to keep your approach to the virus under review as the situation and Government advice develops.