



Do you employ staff?

## Corona Virus Information and Advice

As the number of cases of Corona Virus within the UK is increasing, we thought it would be good idea to produce a newsletter confirming the current advice being provided by the Government and the “best practice” advice that has been provided by the CIPD (Chartered Institute of Personnel and Development). This newsletter will also contain advice for both employers and employees.

This situation is very changeable so please note that this advice is correct as of today, 4<sup>th</sup> March 2020, and it may be subject to change. We will update you with additional information as and when this becomes available.

Currently, the Government is finalising plans on how the Corona Virus outbreak will be dealt with. Serious preventative measures will not be taken until officially recommended by Public Health England, but if this is deemed necessary, then widespread school closures, travel bans (on unnecessary travel), cancelling large scale public events, and recommendations of large-scale working from home, where possible, may be put in place. The Government may also attempt to initiate “Social Distancing”, which is a policy that encourages people to reduce contact with others, in an attempt to quell the outbreak before the warmer months. These plans are all in discussion at the moment and nothing has been finalised because it all depends on how much of an impact the Corona Virus has.

The Government has confirmed that they consider the “worst case” to be “up to a fifth of UK workers off sick at the same time”. However, we shouldn’t panic as this is only a worst-case estimate and would only apply to the “peak” of the outbreak.

A Public Information Campaign is expected to be launched later this week. It is expected to contain information on preventative measures, whilst also reassuring people and attempting to prevent large scale panic.

Chancellor Rishi Sunak has also confirmed that Treasury Officials will be including plans on how to help and support businesses, which will be confirmed in the Budget on 11<sup>th</sup> March.

## Advice for Employers

If an employee contacts you to say they are unable to come to work because they have Coronavirus symptoms, this is essentially them calling in and saying “I can’t come to work for health reasons” so we would advise that this is managed via the absence management procedure, with a few variations:

- It is unlikely the employee would be able to provide a fit note to cover their absence. This is because people are mostly being quarantined over the phone, they are not permitted to go to the GP practice, so getting a fit note on time would be near impossible. You have the option of either saying employees don’t need to provide a fit note at all, or asking the employee to ring their GP, inform their GP that they are quarantined and request a backdated fit note for when they return to work. When the quarantine is over, the employee can then go and get the fit note that will cover the dates of their absence thereafter.
- Any time away from work for quarantine purposes should not be included in employees’ attendance record / should not be something the employee is managed for, either at the time or at a later date. This is an issue of national health, the quarantine would not just be for the employee, but for the countless numbers of people that employee would come into contact with, so they should not be reprimanded for this or made to feel as though their job is in jeopardy.

Technically there is no legal reason to pay an employee in quarantine and this time away from work could be unpaid. However, as the employee is being quarantined for health reasons, we would recommend statutory sick pay (SSP) should be paid for the duration of the absence. However, if you offer contractual sick pay that goes above and beyond SSP, you should ensure you comply with the terms and conditions within the contract of employment. A failure to provide SSP (or contractual sick pay) could be viewed as a breach of the implied term of trust and confidence. It should also be noted that Health Secretary Matt Hancock has advised that employees who are self-isolating / quarantining themselves should be entitled to sick leave (and SSP / Company Sick Pay).

## Workplace Closure

In extreme circumstances, some workplaces are having to initiate a “shut down” for quarantine purposes. This means that all employees are sent home from work and are told they cannot return to the premises for a specified time. In the extreme event that you would need to enforce a “shut down” and send all employees home, working from home would be the best option for you and your employees, and this is something the Government is encouraging, where possible. This would allow employees to continue completing their work and will hopefully prevent or minimise the Company from suffering a detriment. However, that may not be a suitable option for all organisations, employees or job roles. Where working from home is not a possibility, we would recommend that employees be placed on a period of paid leave of absence. This leave of absence should be paid because employees are not choosing to be away from the workplace, they are being told by their employer to stay away from the workplace and therefore to not pay employees in this situation could be viewed as a breach of the contract of employment.

Whilst we understand that it is not ideal to have many employees on a paid leave of absence at the same time, this is the most reasonable way to manage the Corona Virus situation. Employers have a legal duty of care towards their employees, this means working with any quarantine that is necessary, and not creating a situation where employees feel that they have to choose between financial security and their health. An employee who is concerned about money or job security is an employee who may not follow quarantine rules. When managing employees in this situation, you should try to remember that any employee who is required to stay at home is complying with Governmental guidance, and that the quarantines are not only put in place for the employee in question, but for the countless numbers of people they would come into contact with every day.

Again, there is no legal requirement to pay employees in the event of a quarantine, but a failure to do this could again be viewed as a breach of the employment contract, and we should again acknowledge the opinion of Health Secretary Matt Hancock, as stated above.

This is a potentially stressful time for employers, but the Bank of England governor Mark Carney has confirmed that policy makers are ready to support and help businesses that do experience any “economic shock” as a result of the Corona Virus. The Bank of England has confirmed that they expect the Country will see a financial impact, but that this will be very temporary and that everything is expected to go back to normal, rather than the Country suffer from long lasting effects.

### Employees Affected by School Closures

If school closures become common, you may have a situation where an employee does not need to personally self-quarantine themselves, but they have a child who is under quarantine. Where possible, the employee should be permitted to work from home. However, if this is not possible, the employee will need to take Time off for a Dependant, which is statutory but unpaid leave. This type of leave is usually only permitted for as short a time as possible and is not intended for the employee to provide care for the dependant themselves, but rather arrange care for their dependant so that they can then return to work as soon as possible. Usually the absence from work is no more than one or two days. However, where a quarantine is involved, this may not be possible and the Dependant Leave may be expected to last the standard 14 days. In this case, employers are expected to be reasonable and accommodate this, given the circumstances. This leave is unpaid, unless the contract of employment stipulates that it will be paid.

### Advice for Employees

The current advice for employees is that they take preventative measures, such as:

- Frequently washing their hands
- Using disposable tissues to catch coughs and sneezes, and placing these tissues in the bin as soon as possible
- Using their sleeve to catch coughs or sneezes, if tissues are not available
- Avoid touching their eyes, nose, and mouth with unwashed hands
- Avoid contact with people who are unwell

Employees are recommended to follow the advice provided by the Government and Public Health England. If they are required to self-isolate, then they need to comply with these instructions. The NHS phoneline 111 should be utilised, to avoid unnecessary trips to GP practices where germs can be passed on to others.

It's important for all employees to remember that these preventative measures, and the quarantines, are put in place for the health and safety of the public, not just for one person. Therefore, it is imperative that this issue is taken seriously. That being said, there is also no need to panic, plans are being put in place by the Government, and the only people who are seriously affected are the elderly and the vulnerable (babies and young children, people suffering from long-term medical conditions, pregnant women, etc.)

This is the information we are currently able to provide. Please let us know if you have any questions.

### How Can We Help

If you have any queries relating to the content of this newsletter, or any other HR related topic, please don't hesitate to contact us via [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk)