



BeyondHR

Covid-19 Information Resources

2020

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Covid-19: General Advice for Employers

The risk of catching coronavirus in workplaces is currently low. However, it would be advisable to remind all employees / workers / visitors attending your premises to follow simple hygiene rules, such as:

- washing hands thoroughly with hot water and soap
- using tissues when sneezing or coughing and throwing them away in a bin (Catch it, Bin it, Kill it)

Health and safety steps for employers

In case coronavirus spreads more widely in the UK and Ireland, you should consider some simple steps to help protect the health and safety of your employees.

These steps may include:

- 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
- give out hand sanitisers and tissues to employees, and encourage them to use them
- consider if protective face masks might help for people working in particularly vulnerable situations
- consider postponing any travel planned to affected areas or whether alternative methods (such as video calling etc) could be used

It is important that you and your employees do not single anyone out. For example, treating a person differently simply because of their race or ethnicity.

Sick pay

Your normal sick leave and pay entitlements apply if someone has coronavirus. Employees should still abide by your normal absence notification procedures if they are affected by coronavirus.

However, you may need to make allowances around the certification of these absences. For example, the employee might not be able to get a Statement of Fitness for Work from their doctor if they've been told to self-isolate for 14 days.

If someone is not sick but cannot work because they're in self-isolation or quarantine

There's no legal right to pay if someone is not sick but cannot work because they:

- have been told by a medical expert to self-isolate
- have had to go into quarantine
- are abroad in an affected area and are not allowed to travel back to the UK

But it would be considered good practice for you to treat it as sick leave and follow your normal absence policy or agree for the time to be taken as holiday.

Otherwise there's a risk an employee will come to work because they want / need to be paid and could therefore spread the virus, if they have it.

If an employee is not sick but the employer tells them not to come to work

If an employee is not sick but you tell them not to come to work, they should get their normal pay. For example, if someone has returned from China / Northern Italy or another affected area and you ask them not to come in.

If employees do not want to go to work

Some people might feel they do not want to go to work if they're afraid of catching coronavirus.

You should listen to any genuine concerns employees may have and try to resolve them.

If an employee still does not want to go in, you may be able to arrange for them to take the time off as holiday or unpaid leave. You do not have to agree to this. If an employee refuses to attend work, it could result in disciplinary action.

If someone becomes unwell at work

If someone becomes unwell in the workplace and has recently come back from an area affected by coronavirus, they should:

- get at least 2 metres (7 feet) away from other people
- go to a room or area behind a closed door, such as an 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

If someone with coronavirus comes to work, the workplace does not necessarily have to close.

The local Public Health Authority (PHA) health protection team will get in contact with you 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

Currently it is very unlikely that you will need to close your workplace.

But you should still plan in case you need to close temporarily. For example, making sure your employees have a way to communicate with you and other people they work with.

Where work can be done at home, you 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

In some situations, you might need to close down your business for a short time. In these circumstances you may need to invoke the Short Time Working / Temporary Lay-off clause in your contracts of employment (if applicable). If your contracts do not contain this clause you will need to pay employees their normal pay for this time off.

Please use the below links for updates from the relevant Public Health Authorities:

Northern Ireland

<https://www.publichealth.hscni.net/news/covid-19-coronavirus>

Scotland

<https://www.hps.scot.nhs.uk/a-to-z-of-topics/covid-19/>

England

<https://www.gov.uk/government/organisations/public-health-england>

Flexi-furlough

We just wanted to remind our clients that the flexible furlough scheme goes 'live' on 1st July 2020 and below are key things you need to remember if you are planning to utilise the scheme.

1. Employers will have the flexibility to bring furloughed employees back into the workplace on a part-time basis. Flexibly furloughed employees can work part of the week and remain on furlough for the remainder of the week. It is up to the employer and the employee to decide and agree the hours of work and the hours of furlough.
2. Employers can continue to fully furlough employees until 31 October 2020. Flexible furloughing is optional. Fully furloughed employees cannot undertake any work for their employer but they can undertake training, or volunteer or work for another employer (if contractually allowed).
3. Flexible furlough agreements can last any amount of time. Employees can also enter into a flexible furlough agreement more than once. It is important to note that where an employee starts a new furlough period before 1 July 2020, this must be for a minimum period of 3 weeks, even if this takes the employee past 1 July 2020. This means that there will need to be two claims for any overlapping claim of 21 days from 10 June onwards because of the need to claim on a month by month basis from 1 July. Although there is flexibility over the length of the furlough agreement, the period that employers claim for must be for a minimum claim period of 7 calendar days.
4. From 1 July 2020, claim periods must start and end within the same calendar month and must be at least 7 days unless you are claiming for the first few days or last few days in a month. The first time an employer will be able to make claims for July will be 1 July. Employers cannot claim for periods in July before this point. 31 July is the last day that employers can submit claims for the period ending on or before 30 June 2020.
5. The updated Guidance states that "If you flexibly furlough employees, you'll need to agree this with the employee (or reach collective agreement with a trade union) and keep a new written agreement that confirms the new furlough arrangement". We have produced a template that clients might find useful and can be downloaded [here](#).
6. A written record of the flexible furlough agreement should be kept for five years.
7. Calculating usual hours and furloughed hours – To claim under the CJRS, employers will need to calculate the employee's usual hours and record the actual hours they work as well as their furloughed hours for each claim period. Please find a link to the guidance [here](#).

8. Employers must keep the following pay records pay for a period of 6 years:-
 - (i) the amount claimed and the claim period for each employee;
 - (ii) the claim reference number for the employers' records;
 - (iii) the employers' calculations;
 - (iv) usual hours worked, including any calculations for employees flexibly furloughed;
 - and (v) actual hours worked for employees flexibly furloughed.

Beyond Lockdown and Furlough: A Guide to Returning to Work

As the Government prepares to outline its plans to get businesses back to work we have prepared a guide to help you plan the practicalities around a return to work.

This guide will provide points to consider in the following key areas:

- Managing a safe return to work,
- Cost reduction options

Managing a safe return to work

It is important that employers remember their duty of care to employees and communicate, on a regular basis, the control measures that they have put in place to ensure employees safety. It is particularly important to do this before employees return to work.

The considerations around a safe return to work can be largely grouped into the following categories: Social Distancing, Good Hygiene Practices, PPE and Training.

Social Distancing

For all employers, the requirement for social distancing, should be at the forefront of their minds when considering a return to work. You will need to ensure that individuals remain 2m apart from their colleagues both at their workstations, while in rest areas and while travelling around your premises. Consider how you will carry out essential face to face interactions such as meetings, interviews and training.

Some potential solutions to these scenarios may be:

- Separating workstations and marking 2m spaces between each
- Marking out designated walkways with clear direction of travel
- Continuation of homeworking for some employees,
- Use of video conferencing and replacing face to face training with webinars
- Staggered working hours and break times
- Rotation of employee groups on and off furlough (ensuring that furloughed employees are on furlough for a minimum of 3 consecutive weeks, up to 30 June 2020)

Good Hygiene Practices

This largely falls into parts: workplace cleanliness and employee hygiene. Things to consider include:

- If your business has been closed for a period of time it may be prudent to carry out a deep clean. This may also provide reassurance to employees returning to the workplace.
- Communicate / remind your employees about the need for regular and effective handwashing. Ensure that communication posters are installed around hand washing stations.
- Ensure that there are adequate supplies of soap and hand sanitiser across your business.
- Require employees to clean their phones/keyboards etc with anti-viral cleaner at the beginning and end of each shift.

PPE

In addition to the normal Personal Protective Equipment you provide employees to do their jobs safely you may need to consider additional PPE. Employers should update workplace risk assessments to consider appropriate controls need to control the spread of coronavirus. These risk assessments should clarify what additional PPE maybe required. Additional PPE may include:

- Nitrile gloves
- Face coverings/face visors
- Hand sanitiser
- Aprons
- Disposable overalls.

Training

While all of the above measures are vitally essential to allowing a safe return to work they are also useless if employees are not trained on them. It is important that employees know:

- What the social distancing measures are, how to comply with them and the consequences of not complying with them
- How to wash their hands properly and other good hygiene practices.
- How to use any additional PPE they have been provided with.
- What procedure they should follow should they become ill inside or outside of work.
- Depending on how long they have been off work you may also need to refresh them on existing safe working practices.

In addition, as some employees may have mental health concerns relating to this crisis, if you have an Employee Assistance Programme you may want to remind employee of how they can get in contact with the appropriate helplines.

Cost reduction Options

For most employers, payroll will often be the largest cost to their business and it is possible that when the Coronavirus Job Retention Scheme comes to an end your business may not need to all its employees, either in the short term or the long term. In this section we look at some measures you might need to consider.

Short Time Working

In circumstances where your business has work for all its employees but on a reduced basis you may want to consider short time working. If your contracts of employment contain a contractual clause on short time working, you should be able to implement it reasonably quickly. However, we would always recommend that you communicate fully with your workforce and provide as much notice as possible.

If you do not have the contractual right to implement short time working, you will be required to consult with your employees to try and reach agreement regarding this amendment to their contracts. You may find that the timing of such a consultation will be important as employees are unlikely to agree to this change while the Job Retention Scheme is continuing. Once this scheme ends employees may be more willing to agree as failure to do so may lead to redundancies.

It is possible to impose a change to your contracts of employment but this is a time-consuming and high risk option.

Temporary Lay-off

If you do not have enough work for some of your workforce, you could ask some employees to stay at home on a temporary lay-off. As with short time working you may or may not need to consult with staff depending on whether you have the contractual right to place employees on lay-off.

If you do have the right to implement a lay-off or employees agree, after consultation, to be temporarily laid off you need to remember:

- Employees will be entitled to Statutory Guarantee Pay for 5 days in a 12 week lay off period.
- If a lay-off exceeds 4 weeks (or 6 weeks in a 13 week period) an employee can consider themselves to be redundant and claim statutory redundancy pay from you.

Redundancies

If you feel that the above short term measures won't be sufficient you may need to consider making some employees redundant. Normally, redundancies occur when:

1. A Company has ceased or intends to cease to carry on the business for purposes of which the employee is or was employed or,

2. A Company has ceased or intends to cease to carry on that business in the place where the employee is or was so employed or,
3. The requirement of that business for employees to carry out work of a particular kind has ceased or diminished or is expected to cease or diminish or,
4. The requirements of that business for employees to carry out work of a particular kind, in the place where the employee is or was so employed, have ceased or diminished or are expected to cease or diminish.

Before embarking on a redundancy exercise it is important to consider what measures you could put in place to minimise the numbers of redundancies you need to make. These might include:

- Restricting recruitment and promotions
- Redeploying staff to alternative or vacant roles
- Limiting / stopping the use of temporary employees or agency workers
- Considering voluntary redundancies

If redundancy becomes likely, it is vital that an employer carries out meaningful consultation with the affected employees as soon as possible. Depending on the number of redundancies planned you may need to ensure compliance with the legal obligations around collective consultation.

Conclusion

We hope this brief guide has given you some ideas to help you get back to work and sustain your business for the longer term. If you need any assistance or want to ask more about anything in this guide please feel free to register for a free advice call from a member of our team.

How we can help

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