

27/02/2020

Coronavirus guidance for employers

Novel coronavirus (COVID-19) is a strain of the coronavirus disease which was first reported in Wuhan, China, on 31st December 2019. This disease shows flu-like symptoms, including fever and a cough that may progress to a severe pneumonia causing shortness of breath and breathing difficulties. Those with a weakened immune system are susceptible to more severe symptoms.

As of 26th February 2020, a total of 7,132 people have been tested in the UK, of which 7,119 were confirmed negative and 13 positive. The Government has currently assessed the risk level at moderate based on the World Health Organization's declaration of a public health emergency of international concern.

What is the current guidance available?

The current guidance available suggests that travellers returning from certain destinations must self-isolate and call NHS 111, who will then advise the traveller of the appropriate pathway. Those returning from areas including northern Italy (excluding specific lockdown areas), Vietnam, Cambodia, Laos or Myanmar do not have to do this unless they develop symptoms of coronavirus.

What are your legal obligations as an employer?

Employers have a legal obligation to protect the health, safety and welfare of all employees at work and must take steps that are reasonably necessary to ensure this.

What employment law issues are there to consider?

If there are employees in your organisation who have recently travelled back from countries which are considered in the Government's official guidance as at risk, then they may have to self-isolate themselves in the event they show symptoms of coronavirus. In this situation, as an employer you must consider how to manage this. If you have the capability to facilitate flexible working then you should plan for employees to potentially be able to work from isolation for up to 14 days through the use of laptops and mobile phones. In the event of this, communication with the relevant employee will be key to ensure that they are able to work effectively and that they are still connected with the rest of their team. Setting up regular conference calls and online meetings would be a way to do this, which will also prevent the employee from being treated differently from those employees who are able to come to work.

However, where an employee has travelled back from an area which is at risk they may still wish to attend work. An employer may have to make a decision as to whether or not to permit this return to work, which may be difficult given that an employee may not disclose that they are suffering from symptoms of coronavirus, or they might not be aware that they are. In this situation, you might require the employee not to attend work to preserve the health and safety of your other employees. Where an employer takes reasonable steps to protect the health and safety of its employees and an

employee refuses to comply with this instruction, this could potentially result in disciplinary action but we would suggest acting with care and taking advice before doing so.

Should you not have the means to provide work for an employee who is required to self-isolate and, you will need to consider whether this period of self-isolation is paid, unpaid or if the employee should take holiday for this period. What an employer decides to do on this point will largely depend on what is contained in employees' contracts or what is agreed otherwise.

What steps can you take?

Examples of good practice which you could consider are:

- Updating employees' contact numbers and emergency contact details.
- Briefing managers on the relevant procedures.
- Distributing information to staff about coronavirus, including the latest guidance from the Government and World Health Organisation.
- Following good hygiene rules like washing hands with hot water and soap and using tissues when sneezing or coughing. As NHS England guidance states, 'Catch it, bin it, kill it'.
- Providing hand sanitisers and tissues to staff and encouraging their use.
- Reviewing the arrangements for flexible working so that if any employees have to self-isolate after returning to the UK from travelling abroad that they have the means to potentially work from home.
- Planning to close the workplace temporarily in the event that this is necessary.

Employer's liability for the actions of its employees

The coronavirus outbreak has led to other employment issues that may not be as obvious. As has been reported in the national media, some British Chinese citizens have been racially abused as a result of the coronavirus outbreak. Employers should be mindful that they may be vicariously liable for discriminatory acts by their employees, unless they can show that it took all reasonable steps to prevent that behaviour. Employers may want to remind employees of their responsibilities in this regard.

What should you do now?

Please note that this information is accurate as at the date of publication and may be subject to change. For any further developments you should monitor updates from the Government website [here](#).

This briefing note is not or intended as legal or medical advice.

If you have yet to put a plan in place, you should do so. Contact us on 0191 282 2880 or by emailing sue.graham@collingwoodlegal.com in the first instance.