

FAQs from employers

Updated as of 11 January 2021

As cases of coronavirus continue to spread across the UK, employers should consider the latest guidance in order to protect the health and safety of employees and mitigate business risks. Read on for our frequently asked questions on the topic...

How can we reduce the risk to our employees?

Employers should regularly communicate to employees referring to the latest governmental guidelines, including the latest "Stay at home" guidance from Public Health England. The Government's current advice is that individuals should only be travelling to work where the work they do cannot be done from home. Ensure you are encouraging employees to work from home unless it is absolutely necessary they need to be in the office. If individuals do need to attend the workplace ensure that they maintain a 2 metre distance from others and wash their hands with soap and water for at least 20 seconds at regular intervals. You should regularly remind all employees of the latest public health advice, such as frequent washing of hands and [how to spot signs of any symptoms](#).

Provide guidance and support for any employees who need to self-isolate at home. Any employees who start to feel unwell while at work should be asked to go home as soon as possible.

The Government has advised against all non-essential travel for the time being, whether domestic or business travel. You also need to know whether any employees have recently returned to the UK from abroad, and support them taking action to self-isolate as appropriate.

How do we handle employees who do not want to come to work?

Listen to concerns. Despite the shift on 19 July 2021 meaning that the government are no longer instructing people to work from home many employees are likely to be uncertain about a return to the workplace after many months of homeworking.

If needed, employees can also request time off as holiday or unpaid leave but there is no obligation on employers to agree to this. Certain qualifying employees may be able to request flexible working arrangements and such requests should be given reasonable consideration. In roles where working from home is not feasible, it might be possible agree a period of holiday or unpaid leave, but there is no legal requirement to offer this. If an employee who needs to be in the workplace still refuses to come to work, you

can take disciplinary action.

Can we require employees to leave the workplace if they show symptoms of Coronavirus?

If an employee comes to work and they show or develop possible symptoms, you should send them home and advise them to follow the '[Stay at home](#)' guidance. If clinical advice is needed, ask them to go to a designated isolation room (such as a closed office) and contact NHS 111 (online or by telephone) for advice. Call 999 if they are seriously ill.

Can we require a sick note from someone who claims to have symptoms or claims to require self-isolation?

The NHS are now providing isolation notes for anyone who lives with someone who has symptoms of Coronavirus to be provided to employers as proof they need to stay off work. They can be applied for online by clicking [here](#).

Do we need to pay sick pay to someone with symptoms of Coronavirus?

Your usual sick leave and pay entitlements apply if someone has been diagnosed with Coronavirus or is suffering from symptoms of Coronavirus.

If an employee is in quarantine and cannot work, but is not sick, do we need to pay them sick pay?

Under new legislation, the employee will be entitled to statutory sick pay (SSP) if self-isolating to prevent infection or contamination with Coronavirus, in accordance with the latest "[Stay at home](#)" guidance from Public Health England (and similar guidance in Scotland and Wales). The employee will be deemed to be incapable of work in these circumstances.

The right to SSP will be from day one of self-isolation, so long as the isolation lasts for four or more days. This contrasts the normal SSP rules, under which employees are only entitled to SSP on their fourth day of absence.

You are also recommended to consider paying company sick pay in this situation, in the interests of ensuring that the employee follows guidance on self-isolation and stays away from the workplace during this period.

If you require an employee to stay away from work because they have recently returned from a high risk area, the employee should receive their usual rate of pay.

What if an employee is not sick but we require them not to come to work due to fears of the virus spreading amongst staff?

Employees should get their usual rate of pay.

We have an employee who needs to take time off to look after someone. Should we let them and should they be paid?

Employees are allowed to take time off to look after dependants in the event of an emergency and this would apply to Coronavirus. For example, this could be if an employee's child caught the virus.

There is no statutory right to pay for this time off, but some employers may offer pay depending on their workplace policies.

Another option may be for employees to take unpaid parental leave, for example while their child's school is closed.

Tips on contingency planning

Identify which medical facilities in your area would be best positioned to evaluate and treat any employees suspected of having the virus.

Train managers on spotting symptoms. Ensure policies such as your home working policy are up to date. Encourage workers to work remotely so as to not wipe out the whole workforce if one person becomes infected.

Ensure that relevant staff members know how to deal with disruptions in the supply chain. For example, some commercial agreements may contain "force majeure" clauses which may reduce the liability of a party unable to fulfil its contractual obligations as a result of events triggered by the spread of the Coronavirus (e.g. closing of international borders).

Identify an appropriate location in your workplace to provide necessary support for employees who become unwell and require clinical advice. Provide facilities to enable employees to check their temperature.

Many employers are likely to face Health and safety related issues such as employees not feeling safe in the workplace and requesting measures are introduced. We foresee lots of litigation in this area where employees walk out of their job. Read here for [handling employees who are in the workplace.](#)

Our trading has been affected. Can we dismiss employees to cut costs?

The first port of call is to look to see whether there is a contractual right to change an employee's terms and conditions, for example, a right to lay off. Alternatively you could consult with employees with a view to seeking their agreement to one of the below as an alternative to compulsory redundancy:

- Furlough Leave
- Short term lay offs
- Temporary reductions in hours/pay
- Taking annual leave
- Taking a period of unpaid leave/an unpaid sabbatical
- Taking voluntary redundancy

What is the Coronavirus Job Retention Scheme and does it apply to my business?

On Friday 20th March 2020 the Chancellor announced a new Coronavirus Job Retention Scheme which is intended to support businesses through the Coronavirus crisis by underwriting the employment costs for the employees they would otherwise need to make redundant or to lay off temporarily without pay. All UK businesses are eligible to receive support under the scheme. Click [here](#) to read more.

If you have any questions not covered above please get in touch with a member of the employment team.