

Disciplinary issues surrounding Covid-19

With the ever-changing Covid-19 government guidance, it can be hard for employers and employees alike to keep up with the latest rules. Tensions in the workplace can rise when employees break Covid-19 rules, and this can also impact the employer. With safety in the workplace a paramount concern, employers may decide that behaviour straying from Covid-19 rules and guidance should be dealt with as a disciplinary issue.

Laying out the rules

Before deciding on any disciplinary measures, it is essential to ensure that employees are aware of which actions they could face consequences for at work. You may want to introduce a new policy, post regular updates where they're viewable by all staff or send frequent communications. Whichever manner you choose to convey this employee guidance in, it is important that staff know how seriously you take the rules, and how strictly you expect them to follow them.

Breaches in the workplace

Covid-19 health and safety measures can now be expected in every workplace. From wearing a mask, keeping two metres apart to self-isolating when required, there are various methods to ensure transmission risk is minimised. Employers must ensure it is possible for employees to comply, for example by providing adequate space and equipment. If an employee breaks government imposed rules or guidance at work, this could affect the safety of other employees and even damage an employer's reputation, so it is important such actions are treated as a serious matter. If you have made it clear you expect employees to comply with government rules and they do not, you will have the right to take disciplinary action.

Breaches beyond the workplace

When employees breach Covid-19 guidance in their own time, the situation is less clear cut. In general, employers cannot discipline an employee for actions taken during their spare time.

Examples of breaches could be exceeding the number of people allowed to meet at one time, or embarking on non-essential travel when this is advised against. Unless their actions could affect the employee when carrying out their work, you will not generally have the right to discipline them. However, there are some examples of when breaches could constitute grounds for disciplinary action:

- An inability to come into work, thereby negatively impacting the employer.
- Attending the workplace following a breach causing a health and safety risk to others.
- Breaking the rules when it is visible they are an employee of the business, including posting content on social media.

Taking disciplinary action

As always, it is vital to conduct a thorough investigation into the circumstances and not to make any swift conclusions. Assess the severity of the employee's actions and decide whether disciplinary action is required, or whether the case could be resolved informally. Consider how similar situations may have been dealt with, and what policies in place say on the matter. By being thorough yet fair, employers can set an important precedent for dealing with Covid-19 breaches going forward.

In these uncertain times it's crucial to talk to your staff, inform them of any updates to policies or advice, and ensure they feel involved in maintaining a safe workplace. Make sure employees are aware of the rules as well as the consequences you may impose for breaking them, so that disciplinary action is a known penalty for behaving inappropriately with regards to Covid-19.

If you would like any further information on this topic, please get in touch with [Holly Milne](#) in the employment team at Cripps Pemberton Greenish.