



THOMAS CARROLL GROUP

CORONAVIRUS (COVID-19): RETURNING TO THE WORKPLACE GUIDE

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THOMAS CARROLL GROUP



At Thomas Carroll, we are working hard in these uncertain times to ensure that we are able to provide the same service that our clients and contacts usually receive from our team. That's why we have collated the latest information and advice regarding the COVID-19 pandemic.

At present the prime minister has made some changes regarding those who can return to work in England. However, in Wales and Scotland, these changes do not apply.

Organisations need to start thinking about what happens next.

We have collated information on what employers need to plan for and expect when returning to work. The advice provided is in no way a definite and final opinion on matters relating to Coronavirus and should not be substituted for individual and tailored advice.

The situation is continuously developing and we intend to keep this information as up-to-date as possible.

We do advise you to keep a regular eye on government advice relating to your area, HSE, WHO and other supporting organisations for the most recent Coronavirus guidance.

The following guidance was last updated on the 14th of May 2020.



3 AREAS TO CONSIDER

Before developing your back to work plan, you need to consider the following 3 areas. **Step one** is creating a plan based on the type of business you have. **Step two** is your employees and prioritising their safety and wellbeing. **Step three** is how can you modify and adapt your current working environment.

BUSINESS

How you manage your return to work heavily depends on what type of business you have and the risks involved.

EMPLOYEES

This section will cover areas such as furlough, redundancies, reduced working hours, employee wellbeing etc.

ENVIRONMENT

Is your business easy to get to? Do many employees rely on public transport? Have you thought about welfare and rest facilities? Kitchen use? Commercial cleaning?

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BUSINESS

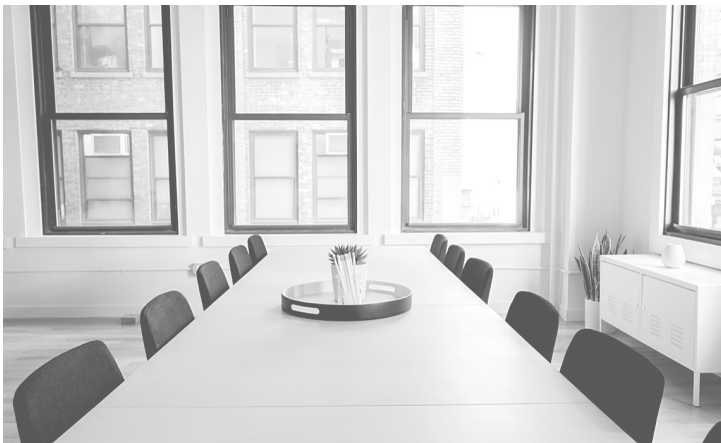
How you manage a return to the workplace will depend on the type of business you have and the closure arrangements you have been operating. Businesses have commonly been categorised into the following:

1) Business is unable to trade and all staff have been put onto the COVID-19 Job Retention Scheme (furlough).

2) Business is currently trading but with limited staff, as some staff have been furloughed/some working from home.

3) Business is fully operational, but most staff are working from home.

Whichever of these scenarios is closest to your individual business, there are some important issues you will need to address before staff can return to work.



SOCIAL DISTANCING

All companies need to implement some form of social distancing when returning to work. The government has suggested that social distancing will be in place for some time to come.

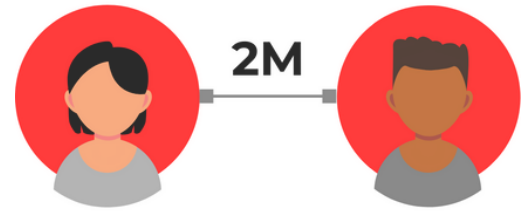
You need to consider whether staff can successfully maintain a 2 metre distance between one another and if not, how can you put safe working procedures in place. There are ways in which you can limit the interaction between staff members, such as closing communal areas (kitchen areas and canteens), switching all face-to-face meetings to online and staggering employee working hours. By staggering hours, this can help create smaller teams so not all staff are in the workplace at the same time. In some businesses, cohorting could be an option. This involves keeping teams of workers working together as small as possible.

The government acknowledges that many employers have already done what they can to implement social distancing. There are some working environments where physical distancing is not possible and consequently there may be circumstances where few or even no reasonable measures can be taken. The obligation on the employer is to show that they have taken reasonable steps to ensure social distancing of 2 metres in the workplace.

Social distancing is now a law in Wales and all employers must take additional steps to protect their employees health whilst they are at work.

SOCIAL DISTANCING IN THE WORKPLACE

Try and maintain a 2 metre distance at all times. Do not congregate in work rooms, canteens, or other areas where people could stop to socialise. Also keep desks at least 2 metres apart.



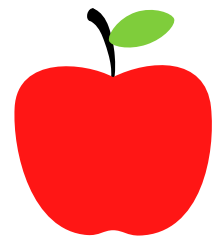
Try and avoid face-to-face meetings. Use online conferencing apps, email or phone when possible, even if you are in the same building.



Eliminate ALL unnecessary travel and cancel ALL non-essential meetings, gatherings, workshops and training sessions.



Bring in your own lunch and avoid eating it in lunch rooms, canteens or crowded restaurants.



Hand washing facilities need to be made available and accessible. Also, if necessary, physical screens to protect employees and PPE should be used.



EMPLOYERS & PUBLIC LIABILITY CONSIDERATIONS

Businesses could be held liable for employees who contract COVID-19 at work, or members of the public that contract it through your business activities. Whilst such a case would be difficult to prove, businesses should ensure that they document that they are following government guidance to mitigate such potential claims.

To make sure you avoid the risk, you should follow government guidance closely, communicate constantly with your stakeholders and prepare risk assessments and mitigation strategies, ensuring this is all documented. For a business to be held liable, a breach of duty must occur. If the government advice is followed, not only will it help protect your employees, it will also be difficult to allege such a breach.

The actions, systems and processes that organisations undertake now to safeguard their staff and customers could determine whether claims are brought, and most importantly, whether they are successful. Furthermore, employers should ensure that leaders within the business adhere to and enforce any corporate measures that are implemented. If this doesn't happen and a claim is made against you, you could be held vicariously liable for the negligence of a manager who fails to adhere to internal policies and procedures and in consequence there may be circumstances where few or even no reasonable measures can be taken. The obligation on the employer is to show that they have taken reasonable steps to ensure social distancing of 2 metres in the workplace.

Social distancing is now a law in Wales and all employers must take additional steps to protect their employees health whilst they are at work. For further information, please [**click here.**](#)



HEALTH AND SAFETY

It is likely that lockdown restrictions will be lifted incrementally, and staff who are still able to do so should be encouraged to work from home. **Evidence suggests** that office workers will not be returning to work for many weeks or even months to come.

Staggering arrival and break times, minimising the use of equipment or office space and not frequently altering staff rotas are just some areas to consider when returning to work.

Certain groups of employees, such as those over 70, pregnant or with underlying health conditions who are unable to work from home, should undertake the '**safest possible roles**' in the workplace. Companies need to be confident that they have established procedures to make their staff feel safe.

Employers will also need to establish proactive risk management systems to safeguard their employees' health and minimise the risk of infection.

It's important that you keep in close contact with your health, safety and occupational health teams wherever possible.

Communicate the practical measures you are taking to staff on a regular basis to help reassure them that their health, wellbeing and safety is your top priority.

As an employer, it is also essential that a risk assessment is undertaken to ensure the risk to employees is reduced to the lowest level reasonably practicable. The assessment, which must follow government advice should identify suitable precautions and arrangements to ensure the workplace is safe, all people affected are safe and relevant information is provided before the business can reopen.

Our team of health and safety consultants have also developed a COVID-19 return to work health and safety checklist. This will enable you to complete your risk assessment.

[**CLICK HERE TO DOWNLOAD YOUR COPY**](#)



PERSONAL PROTECTIVE EQUIPMENT (PPE)

Many businesses are still unclear whether they need to provide PPE in order to maintain 2 metre social distancing in the workplace. It is recommended that where maintaining a 2 metre gap is not possible, PPE should be considered as a last resort, with the use of screens and more frequent cleaning regimes being introduced first. Please follow the HSE, World Health Organisation and other supporting organisations for the most recent guidance.

HOMEWORKING

Where able to do so, businesses must continue to allow employees to work from home.

Employees who are working from home and working their usual hours must receive the same pay and employee benefits.

During the Coronavirus pandemic, employers are unable to carry out health and safety risk assessments at an employee's home. However, employers can issue self assessment checklists and guidance for home workers and assist in any concerns that may arise.

It is essential that employees have the right equipment to carry out their work safely. Managers should keep in regular contact with their employees, including making sure they do not feel isolated.

COMMUNICATION

Make sure you keep in touch regularly with your work colleagues, especially those who are working remotely. Regular communication between individual employees, managers and teams is more important than ever. Due to social distancing guidelines and the fact that many employees may be working from home, now is the time to adapt and invest in calling and conferencing technology. This new approach may become normal for many businesses.

The British Chamber of Commerce has compiled advice and developed a **Coronavirus Hub**, which is designed to support businesses and the self-employed around the UK by offering up-to-date guidance during this uncertain time.



EMPLOYEES

FURLOUGH

Rishi Sunak announced on the 12th of May that the Government's Job Retention Scheme will be extended until the end of October. There will be no changes to the scheme until the end of July. However, there will be a further announcement before the end of May which will detail what the scheme will look like in August, September and October. It appears that employers will be expected to make a contribution to the 80% and there will be the opportunity to bring some staff back to work on a part time basis, whilst still claiming something from the government. We will send out more updates as and when we get them. Please [click here](#) for further information.

REDUNDANCIES

Unfortunately, for some businesses, extending their staff's furlough may not be an option. This means that when the government's furlough scheme comes to an end, you may have no alternative option but to implement redundancies in your workplace. It is essential that you seek legal advice when making employees redundant.

REDUCTION IN SALARY

Organisations may be able to secure a voluntary agreement from employees for a reduction in salary. However, in the absence of a voluntary agreement, an employer has the option to consult and ultimately give notice to terminate the employment of an employee and to re-engage immediately at the newly reduced salary rate. It is important to note that this approach is not without its dangers and you should always seek advice before doing so. Any reduction in salary will need to be reasonable.

It will also be limited by National Minimum Wage considerations. Any employee whose employment is terminated by this method and refuses to be re-employed at the new reduced salary rate could potentially bring a claim of unfair dismissal. The business reason behind the reduction, the consultation process to bring about the reduction, the procedure itself and the test of whether the changes were reasonable will all contribute to the question of whether the dismissal was fair.

PENSION SUPPORT

Every employer in the UK must put certain staff into a workplace pension scheme and contribute towards it. This is known as 'automatic enrolment'. Throughout the COVID-19 crisis, these duties have remained unchanged and this has impacted both employers and employees.

Employer Challenges:

- > Those that furloughed employees have had to clearly understand the intricacies of the Coronavirus Job Retention Scheme to ensure they are still meeting their workplace pension scheme obligations in accordance with The Pension Regulator.
- > Minimum pension contributions are 8% of qualifying earnings of which at least 3% must be paid by the employer. However, some employers will be operating their schemes on an alternative pensionable pay basis and/or making higher contributions. These employers could never have anticipated the economic impact of COVID-19 and therefore, may have or will be reassessing their existing arrangement. In doing this there are certain criteria to be met and it is encouraged to seek professional advice.
- > Employers furloughing while operating salary sacrifice are faced with shortfall as they will only receive 3% of qualifying earnings to cover the employer's minimum auto-enrolment contribution based on the reduced salary. The contract with the employee says that the employer will pay all the pension contributions due and therefore, the employer may have to fund the total "employee contribution" of 5% of qualifying earnings. HMRC have confirmed that "COVID-19 counts as a life event that could warrant a change to salary sacrifice arrangements if the relevant employment contracts are updated accordingly".

It is encouraged to seek professional advice.

If you have any questions regarding pensions, please [click here](#).



LAYOFF/SHORT-TIME WORKING

If an employee's contract of employment contains a layoff/short-time working clause, the employer will be able to take steps to temporarily reduce the employee's working hours with a pro-rata reduction of salary. The term layoff should not be confused with redundancy. Layoff is where an employee on a temporary basis is not given any work at all each week, whereas short-time working is where an employee has a temporary reduction in working days or hours. During a short-time working or layoff scenario, the employee is entitled to £30.00 per day for the initial 5 days of non-working within three months. The advantages of a layoff/short-time working strategy is that if you have the contractual right to do so, it can be implemented swiftly without notice, pay or redundancy pay having to be paid.

Although, after 4 continuous weeks of layoff an employee can apply to be made redundant.



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UPDATES ON CORONAVIRUS

REDUCED WORKING HOURS

If your business is not operating as normal and the level of work has dropped considerably, you may want to consider to your employees the possibility of temporarily reducing their working hours. As this is a temporary contractual change like furlough, your staff will need to agree this in writing. You can legally impose these changes, but this is a complex, time-consuming process which is likely to effect any goodwill with your employees. This should only be considered as an absolute last resort and we advise that you seek legal advice. You need to be clear when conveying your reasonings for reducing their working hours. Be prepared for your employees to ask questions.

STAFF ABSENCE

Some staff might feel anxious about their return to work, as they may be afraid of catching Coronavirus. Those who fall under the high-risk category will be particularly apprehensive about their return to work.

As an employer, you should listen to your employees' concerns and advise them on the steps you have taken to protect them. If an employee does not feel comfortable returning to work, they may be able to take time off as holiday or unpaid leave. The employer, however, does not need to agree to this. If an employee refuses to come into work without any valid reason, this can result in disciplinary action. However, we would urge extreme caution given the current climate.

[CLICK HERE FOR INFORMATION ON OUR HR SUPPORT SERVICE](#)

MANAGING HOLIDAYS

Staff are now able to carry forward some of their statutory holidays if they are unable to take them in the current leave year. You may wish to encourage your staff to take previously agreed holiday dates – even if they are working from home. Taking a break from work can help boost your employees wellbeing. You need to have a clear policy in place to allow as many people as possible to take leave this year, while still being able to run your business.

One possible option would be to relax normal rules around maximum numbers allowed off at one time.

TRANSPORT

Employees who normally use public transport to travel to their place of work may now take the general advice to use their own vehicles as a safer means of transport.

With this in mind, it will be wise for policyholders to contact their car insurance provider to check that their cover includes commuting to and from their permanent place of work.

Also where necessary, arrange to extend their policy to include business use in the event that they need to use their car for business purposes.

VULNERABLE EMPLOYEES

The government advises that anyone who is classified as being at a high risk of getting a severe illness if they catch Coronavirus must take particular caution and apply strict social distancing measures. Also, some employees may have received a letter from the NHS stating for them to take extra steps to protect themselves and to stay at home for 12 weeks. Some staff may still be required to shield after the initial 12 weeks, as they may be 'extremely' vulnerable and at higher risk from Coronavirus. They may also be caring or living with someone at greater risk.

If individuals continue to shield, employers should allow for them to continue working from home. If this is not possible, look at other options to retain them, such as a further furlough period.

24HR GP ONLINE ACCESS

This benefit gives employees access to GP appointments 24 hours a day, 7 days a week with a simple tap of their phone. Many also feature a COVID-19 Care Assistant to help recognise COVID-19 symptoms. This particular benefit can be made available as a standalone benefit, or like an Employee Assistance Program, can form part of a value added benefit with many Group Private Medical Insurances, for example Bupa has Digital GP (provided by Babylon), AXA PPP has the Doctor@hand service, AVIVA has the AVIVA Digital GP and Vitality has Vitality GP which is included in their Core cover. It is usually a challenge in itself to make an appointment with a GP at the best of times, let alone trying to speak to one during lockdown, and with the ongoing challenges we are sure to face with the easing of it, this benefit is surely one that will inevitably prove to be popular with both employers and employees. GP online service providers work across all industries to help reduce absenteeism, increase productivity and bring staff peace of mind.

EMPLOYEE WELLBEING

During times like these, feelings of distress and anxiety are more apparent than ever. Typically, 1 in 4 people in the UK suffer from a mental health problem during their life and recent increases in financial insecurity, social isolation and loneliness as a result of Coronavirus will likely see this number rise. You may already have an Employee Assistance Program in place. If you are fortunate enough to have this service, we would encourage that this benefit is communicated to all employees, to offer additional support at a time when they may need it most. If you do not have access to this type of service and would like to offer it to your employees, Thomas Carroll can help you, as we provide our very own Workplace Wellbeing Service.

WELLBEING SERVICE



[CLICK HERE FOR INFORMATION ON
OUR WELLBEING SERVICE](#)

AVOIDING DISCRIMINATION

CLAIMS

In addition to your employees' health and wellbeing, you need to bear in mind the importance of diversity and inclusion when making decisions and setting out plans. You must ensure that your decisions do not discriminate against certain groups of people. To protect yourself from discrimination claims and make sure you're doing the best by your employees, think about the equality impacts before making decisions. The Equality and Human Rights Commission has produced guidance for employers to make sure the decisions they're making are not discriminatory, as well as guidance for employers on making reasonable adjustments. [Click here to learn more.](#)

RETURN TO WORK INDUCTION

When employees start to return to work, it would be advisable to set up a re-introduction meeting (with social distancing applied.) Managers should arrange to have a one-to-one return meeting with every employee, where a key focus is on health, safety and wellbeing. Managers need to have a sensitive and open discussion with every individual and discuss any adjustments or ongoing support they may need in order for them to return to the workplace. This will be fundamental, especially for employees who were furloughed.

This will allow you and your staff to ask questions and determine whether some employees require a phased return back to their full role or discuss with them a new working arrangement,



ENVIRONMENT



WORKSTATIONS

In order to maintain good social distancing, it would be worth physically separating or repositioning desks. Adding barriers between desks to enhance employee safety could also be an option. Also, ask employees to clean their desks after every use to establish good hygiene. By displaying guidance notes from the World Health Organisation (WHO) in your workplace, this will reinforce the importance of hygiene and cleanliness to your staff.

MEETING ROOMS

Face-to-face meetings should be kept at a minimum and online meetings should be encouraged. Small meeting rooms could be used for vulnerable employees as this could help eliminate the amount of contact they have with other employees. Introducing meeting etiquette while entering and leaving the room, such as washing your hands and cleaning the room down after every use, can help eliminate the spread. Recording those who use the meeting room can allow you to track if a staff member is diagnosed with Coronavirus and who they were in contact with.

CANTEENS, KITCHENS AND SOCIAL AREAS

Small canteens and social areas may need to remain closed until social distancing is relaxed. Larger canteens and social areas may be able to remain open, however, tables will need to be segregated and markers may need to be added to the floor to maintain good levels of social distancing. Employees should be encouraged to bring in their own food and should be allowed to eat it at their workstations. Queuing systems may have to be put in place in kitchens to stop crowds gathering. Space markings, increased cleaning after every use, using disposable cloths, towels, plates and cutlery would also be advisable. Access to the kitchen will have to be limited and social distancing must still apply.

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UPDATES ON CORONAVIRUS

ENTRANCES, EXITS AND

INTERNAL DOORS

Hand sanitisers and wipes should be available at both the entrance and the exit of your business. One way systems with social distancing markers should also be implemented. As mentioned, staggering employee starting and finishing times can stop entrances and exits from getting congested. If lifts operate in your building, lift numbers should be kept low and could be allocated for those who need to use it, such as employees with disabilities. Where possible, doors could be kept open to eliminate the amount of people who touch the doors. However, fire prevention measures must be adhered to, so fire doors should not be kept open.

FIRST AID

First aiders will need to be made aware and briefed on how to manage suspected cases of Coronavirus as per government advice. PPE must be used at all times when first aid is required, including facemasks, shields and gloves. Hand sanitisers and wipes should be included in each first aid kit and to each first aider. If employers alternate employee working hours and apply shift working, then employers must apply adequate first aid and fire warden cover at all times. If first aid cover for your business is reduced because of Coronavirus or you can't get the first aid training you need, there are additional measures to consider. Please [click here](#) for further information.

FIRE SAFETY

Fire safety cannot be put on hold during the Coronavirus outbreak. Your fire safety policies must be kept up-to-date and well maintained at all times. Regular maintenance and inspection checks are vitally important and still remain a **legal obligation**.

Any changes that may happen due to COVID-19 must be considered during the fire risk assessment review. Significant changes should be identified and recorded.



CLEANING

To reduce the risk of Coronavirus, more frequent cleaning is recommended. When cleaning, extra attention should be given to surfaces that are used often, such as door handles, light switches, desks etc. If there has been a confirmed or suspected case of Coronavirus in your workplace, it is recommended that a deep clean is arranged to reduce the risk of transmission to other people. Cleaning areas where germs are more likely to spread, such as the kitchen and toilet, are essential.

Employees should also try and use toilets allocated on their work floor which can help eliminate the spread of transmission. You should liaise with your cleaning provider to establish if they are competent to undertake this work and have the necessary equipment, including personal protective equipment. If your cleaner is an in-house member of staff they may not be qualified and there may be COSHH implications to consider if they are to use chemicals not previously used or assessed.

Deep cleaning or decontamination cleaning should be carried out by a competent person or provider, for which risk assessments and safe systems of work should be in place before work commences.



DRIVER WELFARE

All drivers must have access to welfare facilities in the premises they visit as part of their work. If drivers are delivering goods to your premises, they must be allowed to use welfare facilities. Preventing them access is against the law, and equally it's not the sensible thing to do. Those who already provide reasonable access to toilets and handwashing facilities should continue to do so. With the latest advice for hands to be washed regularly, failure to allow access to welfare facilities may increase the risk of the COVID-19 infection spreading.

CONCLUSION

After Boris Johnson announced his plans on the 10th of May, uncertainty still remains around who should try and return to work. From Wednesday the 13th of May, people who live in **England** and who can't work from home will be actively encouraged to go to work. However, they should still avoid using public transport if possible, due to social distancing. In Wales and Scotland, this is not the case and their 'Stay Home, Protect the NHS, Save Lives' policy is still firmly in place. Employers across the **UK** need to consider what must be in place and therefore need to use this time to prepare their back to work plan. Regularly communicating with your employees and keeping them up-to-date is key. This allows your employees to be aware of what the current situation is regarding your business. Knowing they are valued and supported and that you continue to prioritise their health and safety can have a substantial impact. It is not possible for this guide to cover every business situation, however, it should help you think about the next steps.