

## Insights

# CORONAVIRUS - MEASURES THAT UK EMPLOYERS NEED TO TAKE TO “HELP GET BRITS SAFELY BACK TO WORK”

May 12, 2020

Yesterday, the UK government published eight different workplace-specific guidance documents on measures that employers need to take to “help get Brits safely back to work”. The guidance is tailored for different workplace environments, such as offices, factories, retail shops etc.

Whilst the basic position remains that employers should take all reasonable steps to help their staff work from home, where this is not feasible and the employer has not been told to close, staff should be encouraged to come back to work - as long as there is a ‘COVID-19 secure’ environment put in place by the employer.

In order to take steps to ensure that the workplace is COVID-19 secure, employers are required to take the following key steps:

- consult with the health and safety representative selected by a recognised trade union (or, if there is not one, a representative chosen by staff) about a risk assessment to be carried out in order to establish what specific guidelines need to be put in place;
- share the results of the risk assessment with the workforce - the UK government has stated that it expects all employers with over 50 workers to publish this data on their website;
- display a standard form notice in the workplace to demonstrate that the employer is following the guidance;
- re-design workplaces to maintain (wherever possible) social distancing by, for example, ensuring a 2 metre distance between staff; staggering working hours and opening up more exit and entry points;
- if it is not possible to maintain a 2 metre distance, other steps should be taken, such as erecting barriers between shared spaces; creating shifts or fixed teams or facing colleagues away from each other; and
- enhance office cleaning services and provide hand washing facilities or hand sanitisers at all entry and exit points.

Aside from this specific health and safety focus, getting businesses back up and running raises other employment law and HR-related issues, including:

- **Maintaining good employee engagement:** reintegrating staff into the workplace post-lockdown involves a significant employee relations exercise.
- **Staff concerns about coming back to work:** these should be dealt with sensitively, taking into account an employee's individual circumstances. For example, employees may have health conditions that amount to a 'disability' under discrimination law, and pregnant employees have special health and safety employment protections.
- **Mental health and wellbeing:** given the substantial disruption caused by coronavirus to work-life generally, employers should keep in mind the mental, as well as physical wellbeing of their workforce.
- **Longer-term changes to working arrangements:** employees who have successfully been working from home or otherwise working flexibly due to coronavirus disruption may want to discuss retaining such flexibility in the longer term.

## **RELATED PRACTICE AREAS**

- Employment & Labor

## MEET THE TEAM



### **Rebecca Harding-Hill**

Co-Author, London

[rebecca.harding-hill@bclplaw.com](mailto:rebecca.harding-hill@bclplaw.com)

[+44 \(0\) 20 3400 4104](tel:+442034004104)



### **Mark Kaye**

Co-Author, London

[mark.kaye@bclplaw.com](mailto:mark.kaye@bclplaw.com)

[+44 \(0\) 20 3400 4025](tel:+442034004025)

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