

# Coronavirus (COVID-19): employer response guide

This guide will help you plan your organisation's response to the global health emergency

## What should employers be doing in the current situation?

Organisations should focus on planning and prevention with both urgency and calm. Do what you can to immediately protect staff and to plan for possible disruptions if things escalate. The latest Government advice is that people should work from home wherever possible so you should take steps to make this possible for as many people as possible.

Your employee's health and well-being is paramount. Employers have a statutory duty of care for people's health and safety at work.

### HR basics to follow

- Make sure everyone's contact numbers and emergency contact details are up to date.
- Ensure that all employees know how to report any suspected risk to themselves from COVID-19 and that all potential incidents are reported to HR so they can understand the overall risk to the workforce.
- Make sure all staff are aware of your response as an employer and what you are doing to protect people's health and reduce the risk of infection spreading.
- Continue to communicate as the situation changes.
- Make sure managers are clear on any relevant policies and processes, for example sickness reporting and sick pay, and procedures in case someone in the workplace develops the virus.

### Protect your workforce

- Keep your workforce well-informed of the ongoing developments and [official advice from the Government](#) and [National Health Service](#) and promote resources that are available.

- Advise employees to take precautions, such as working from home where possible and avoiding non-essential social contact. Advise them of the latest advice with regards to self-isolation for anyone (or anyone who lives with someone) who develops a new, continuous cough or a high temperature of 37.8 degrees or above (in line with official guidance).
- Reduce the spread of infection by providing soap and hand sanitiser gels with alcohol, especially in communal areas like kitchens and coffee areas. Provide staff with hand sanitisers. Increase the frequency and intensity of office cleaning; consider a deep clean; think about frequent wiping down of communal spaces such as kitchens, handrails on stairs, lift buttons, door handles, etc. Some workplaces are banning handshakes.
- Check the NHS and Government websites for regions/nations affected (which is changing on a daily basis).
- If an employee needs to self-isolate (on the advice of NHS 111 or a doctor) or are sent home as a precaution, the UK Government has announced new measures that mean these employees are entitled to Statutory Sick Pay (SSP) from day one. This includes individuals who may be a carrier of COVID-19 but may not have symptoms and people caring for those in the same household who display COVID-19 symptoms and have been told to self-isolate. The CIPD also recommends that employers providing contractual sick pay should provide this if a member of staff is asked to self-isolate by a medical professional, even if they have no symptoms. Alternative options to providing sick pay are to allow people who are asked to self-isolate to work from home wherever possible and continue to pay as normal. For more information on the changes to SSP read the factsheet.
- Employers should use discretion around the need for medical evidence for a period of absence where an employee is advised to self-isolate. Employees can currently self-certify for the first seven days. In the 11 March budget, the Government announced it will introduce a temporary alternative to the current fit note in the coming weeks. For more information on this change read the [factsheet](#).

## Protect your business

- Employers should develop a contingency plan to prepare for a range of eventualities regarding the business impact of the virus. CIPD members can download helpful templates from the [Coronavirus: support materials page](#) and a [homeworking questionnaire](#) to prepare for a widespread move to working from home.

- Appoint a pandemic coordinator or team to prepare plans and keep on top of official advice.
- Think about transferrable skills –will you have enough people to keep business-critical operations running if you do face staff shortages? Start training people now.
- Encourage remote working and working from home where possible, in line with the latest Government advice. Consider making laptops available for staff who wouldn't normally work from home. Encourage team working / external meetings through video conferencing, etc. Make sure there's the right IT support in place for people.
- Consider creative resourcing solutions like staggering shifts so fewer people are in the workplace at any one time – this may help people avoid being on public transport in rush hour.
- Consider having A and B teams to reduce the number of people in the workplace at any one time and reduce the risk of infection.
- Maximise self-service options – for example, self-service tills at supermarkets so fewer staff are needed, encouraging people to do online banking rather than going into branch, etc.

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## Planning your short-term response: key policies and processes to review and communicate

Once you have taken immediate steps to protect your workforce you can look to plan your short-term response. The government has outlined that the UK is now in the 'delay' phase of its response to COVID-19. You should act now so that you can continue to protect your workforce and allow for as much business continuity as possible.

### Sick leave and pay

- Review your policy around absence and where possible be generous with contractual sick pay.
- Confirm to employees what will happen if they are advised by a medical professional to self-isolate. Be clear about what sick pay arrangements will apply. If NHS 111 or a doctor advises an employee or worker to self-isolate, the Government's new measures (announced in 11 March) mean they are entitled to Statutory Sick Pay (SSP) from day one. This includes individuals who may be a carrier of COVID-19 who may not have symptoms and will also apply to people caring for those in the same

household who display COVID-19 symptoms and have been told to self-isolate. Refer to [our factsheet](#) for more on this.

- Update employees with any changes to your processes around reporting absence, medical certificates and fit notes. Government advice is to show discretion in asking for written medical evidence. It will also introduce a temporary alternative to the current fit note in the coming weeks for the duration of the COVID-19 outbreak whereby those in self-isolation can obtain a notification via NHS 111 to use as evidence for absence from work.

## Annual leave and pay

- Review your policy around annual leave and make clear to employees what will happen if they need to cancel their holiday due to travel restrictions.
- If you ask employees to voluntarily disclose where they are planning to go on holiday be prepared to have an open discussion about plans to travel to high-risk areas and think about what you will do upon their return. Think about the impact self-isolation of that employee post-visit will have on their work and their wider team.
- Banning travel to high-risk areas such as parts of China, Iran, South Korea and Italy may disproportionately affect certain groups and could be indirect race discrimination if it affects more staff of certain ethnicity than others. See below for more on mitigating this risk.
- The NHS lists a number of countries/areas where it may be necessary to get medical advice: check out the [NHS travel advice pages](#) and how to [contact NHS 111](#).

## Remote working

- In line with the latest Government advice, support employees in working from home wherever possible. Use the [homeworking questionnaire](#) to help you prepare.
- Review health and safety arrangements for any obstacles and work to remove these.
- Consider whether you need to make adjustments for any employees with protected characteristics.
- Invest in technology to facilitate remote working; look into free tools for video conferencing.
- Test out remote working options before it's necessary.

- Be sure that you plan remote working options for all staff groups.
- Where remote working isn't possible, think about pay/continuity etc.
- Careful planning is needed, along with trust, good comms and people management.

## Staff mental health and well-being

- Be aware that some employees, understandably, may be very worried about catching the virus, while others will have concerns about their family or friends. Listen to people's concerns and reassure them that any measures taken are to protect people and there is no need to panic. Communicate regularly with the workforce and ensure that line managers are regularly informed about the organisation's contingency plans so that they can also provide guidance reassure people.
- Signpost employees to further advice or support, such as employee assistance programmes and any other well-being resources you have available. Consider providing counselling for those employees who are particularly anxious.
- Keep checking in on people's workloads and stress levels and offer support where possible. If you can, adjust targets for employees who remain working and be flexible with deadlines.
- If a large number of employees are unable to work this could lead to other employees working longer hours. In this case you need to ensure you still comply with the [Working Time Regulations 1998](#) around appropriate length of daytime working hours, night shifts and rest breaks.

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## Planning your long-term response: specific groups of employees and business areas to consider

If the decision is made to remain in the 'delay' phase of the UK's response for a sustained period of time (including the use of measures such as [social distancing](#)) and if the decision is made to move to the 'mitigate' phase of the UK's response then employers and people professionals will need to consider their long-term plans. This will include looking at specific groups of employees, areas of the business and perhaps changing business practices.

## Short-time and lay-off working

- If your business is severely affected by the Coronavirus (COVID-19) situation you may need to look at introducing temporary measures in order to protect the workforce and the business.
- These measures include moving to short time working (where employees work less than their regular contractual hours, for example a three-day week).
- If the situation continues you could also consider lay-offs (where an employer asks employees to stay at home and not attend work or be paid for a temporary period).
- Employees with at least one month's service who fall within the criteria will be entitled to a small fixed statutory guarantee payment to partially compensate them for the reduction in salary. Employees who are affected for longer periods may be entitled to redundancy pay. The employees must resign with written notice of their intention to claim this. Employers can avoid redundancies if they guarantee employees 13 consecutive weeks of work within four weeks of receiving the employee's notice.
- Be aware that these are relatively rarely used legal provisions and can only be implemented if there are express, correctly drafted clauses in their contracts. However, in these uncertain times such measures are worth investigating.

## **Business closure**

- Unfortunately, the Coronavirus (COVID-19) situation may lead to some businesses going bankrupt or being forced to cease trading. In this scenario employers would need to follow redundancy processes.
- Redundancy is a special form of dismissal which happens when an employer needs to reduce the size of its workforce. In the UK, this applies if employees are made redundant because the employer has ceased, or intends to cease, continuing the business, as may occur in the Coronavirus (COVID-19) situation.
- Employers will have to follow the correct procedure, which includes, by law, making a redundancy payment, and a notice period payment.
- For more information on redundancy visit the [CIPD topic page](#). CIPD members can also call the employment law helpline on 03330 431 217.

## **Bereavement leave/pay**

- Even though the mortality rate of Coronavirus (COVID-19) remains low the harsh

reality is that employees may face the loss of a friend or family member and you may even lose an employee.

- To prepare for this eventuality review your bereavement policy (if you have one) and assess if you can be more generous. Be as flexible as you can about leave and pay.
  - There is no legal right to bereavement leave but in this unprecedented situation employers should be as compassionate and supportive as possible.
  - Offer support to employees, share details of any employee assistance programmes and be prepared to listen to concerns.
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## Risks to consider

Throughout your organisation's response to the COVID-19 global health emergency there will be people management risks that you will need to be aware of and take steps to address.

### Business continuity and pressure on remaining staff

- The outbreak of the virus is very likely to affect employees in your organisation in different ways. It will disproportionately affect some people, for example if schools close and parents need to keep children at home. Some employees may need to keep working while others self-isolate or stop working, and so think about how you can prevent perceptions of unfairness creeping in and keep everyone on board in these exceptional times.
- If workers are asked to work extra hours to cover for absent staff, make sure you comply with your obligations under the Working Time Regulations.
- Regularly communicate how much you value everyone's contribution. If some people are taking on additional responsibilities to bridge gaps, make sure they feel appreciated and this is for a relatively short time. Emphasise that you can only succeed as an organisation and protect your people and the business if you all pull together.
- Make sure that you are not putting unacceptable levels of demands on people and that they have the support and resources in place to fulfil their tasks, particularly any additional duties.
- Line managers should be trained and confident to spot any early warning signs of

people experiencing stress; make sure they have regular catch ups with people (by telephone or using video conferencing technology if working from home) to ensure they are coping with any extra demands or workloads.

- Provide clear signposting to any internal and external support for people, such as counselling and an employee assistance programme.

### **Direct and indirect discrimination**

- Despite the unprecedented nature of this situation, employers still have to remain aware of potential direct and indirect discrimination.
- The greatest risk in the current situation arises from any move to ban travel to certain areas (such as identified high-risk areas like parts of China, Iran and Italy) as this could disproportionately affect certain groups and be indirect race discrimination if it affects more staff of certain ethnicity than others.
- You may decide that your duty to protect staff is worth taking the risk of a potential discrimination claim as employers can defend indirect discrimination claims using the 'proportionate means of achieving a legitimate aim' defence.
- Be aware that targeting certain staff specifically and requesting them not to travel or come to work, could lead to direct race discrimination claims (which would not be defensible). Any request to avoid travel and not attend work should apply to all staff regardless of nationality or ethnicity and be linked to potential exposure to the virus not racial origins.

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