



## **Managing your workforce Coronavirus questions - FAQ's**

### **Q – Who should self-isolate?**

**A -** From 13 March 2020, anyone with mild symptoms of the flu need to self-isolate at home for a period of seven days after their symptoms started to show.

Individuals should do this even if they have not been in contact with anyone with the coronavirus or have travelled back from an affected area.

The symptoms as outlined on the NHS 111 website are as follows:

- A new continuous cough and/or
- A high temperature

Anyone off as a result of the above is entitled to statutory sick pay (SSP), subject to the usual qualifying conditions.

Advice on self-isolation has changed from 14 days to seven as it is commonly believed people will not be contagious seven days after the onset of symptoms.

People do not need to call NHS 111 to go into self-isolation, unless their symptoms worsen after seven days.

### **Q – My employee has been told to self-isolate by a medical professional, what do I do?**

**A -** If an employee needs to self-quarantine (on the advice of NHS 111 or a doctor) the Government has announced new measures that mean they 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 will also apply to people caring for those in the same household who display COVID-19 symptoms and have been told to self-isolate. It is good practice for employers to treat it as sick leave and follow their usual sick pay policy (or agree for the time to be taken as holiday). You could also advise employees to work from home if possible if your business can accommodate this. Treating the employee as being on paid sick leave or as working from home is advisable. It makes sense, otherwise concerns about lost pay could lead to potentially infected people coming into work.

It is also recommended that employers that offer 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.

### **Q – My employee has chosen to self-isolate but has not been advised by a medical professional and has no symptoms, what should I do?**

**A -** Employees who voluntarily self-isolate without symptoms, and without their employer's agreement, could be required to attend work by their employer. However, employers should take people's concerns seriously, especially if there are underlying health conditions.

**Q – My employees child has been sent home from school because of a school closure, what should I do?**

**A -** Many employees would be able to work from home and employers would have to expect there to be some disruption to a person's ability to work as normal, depending on the child's age. Employees may choose to take this time off as holiday so normal processes and pay apply. If an employee is unable to work from home, they could be granted unpaid emergency time off or unpaid parental leave or take annual leave.

**Q – I want to send my staff home as a preventative measure, what do I have to pay them?**

**A -** If an employee is absent following an instruction from their employer not to come to work as a preventative measure, they are entitled to be paid as usual (unless the contract provides otherwise). Perhaps explore remote working as an option. Skype and Zoom are great to hold conference calls and virtual meetings.

**Q – Do employers need a medical certificate to cover their absence?**

**A -** Medical evidence is not required for the first seven days of sickness, ie employees can currently self-certify those the first seven days. After seven days, it is up to employer to decide what evidence (if any) they require from the employee. This does not need to be fit note issued by a GP or other doctor.

An employee who is following official guidance to self-isolate and who has flu-like symptoms will have difficulty obtaining a fit note, particularly given the pressure on health services. Employers should therefore make exceptions to their usual sick pay policies as to the evidence required. This is in line with updated government guidance that employers should be more flexible in relation to the evidence they require.

**Q – One of our workers has been confirmed as having the virus, should we close the workplace?**

**A -** Official guidance says no for now; there are no restrictions or special control measures while waiting for lab test results and the local Public Health England (PHE) health protection team will come in to do a risk assessment. The workplace could require a deep clean in response, but they will advise on this and whether a closure is necessary. In the meantime, there is no need to close or to send other staff home.

Again, businesses should be mindful of anyone who may be more vulnerable due to age, pregnancy or a pre-existing condition and consider flexible arrangements for them during this time.

**Q – What happens if an employee contracts Coronavirus? Do they get full pay or is it sick pay?**

**A -** If an employee contracts coronavirus, this should be treated in the same way as any other sickness absence in terms of payment. If you normally only pay statutory sick pay (SSP) during sickness absence, then this is what the employee should receive subject to meeting the qualifying criteria. You may wish to apply some flexibility if the employee has contracted the virus because they were on a business trip and consider increasing payment from SSP.

The Government announced further measures in the Budget 2020 on 11 March 2020, namely that:

- entitlement to statutory sick pay will temporarily extend to those who:

- are unable to work because they have been advised to self-isolate, even if they do not have symptoms (in effect from 13 March 2020 - see below); or
- are caring for others in the same household who are displaying coronavirus symptoms and have been told to self-isolate;
- employers with fewer than 250 employees on 28 February 2020 will be refunded two weeks' eligible statutory sick pay costs related to coronavirus, per employee;
- employers will have to keep sickness records but employees should not be required to provide a fit note;
- the Government will introduce an alternative to the fit note, whereby employees who are advised to self-isolate will be able to get a notification from NHS 111 that can be used as evidence for their absence during the coronavirus outbreak; and
- the Government will set up a process for repaying statutory sick pay as soon as possible

**Q – What preventive measures can I put into place as an employer?**

**A- You could consider the following:**

- Ensure you deep clean your working environment
- Ensure hand sanitisers are available at work
- Remote working at home
- Holding meetings by Zoom or Skype for example
- Varying working hours, to allow the worker to avoid rush hour commuting on public transport
- Can they be removed from higher risk front-line customer facing duties
- Can they be allowed to take some of their accrued annual leave
- Can they take a period of unpaid leave, during the peak of this pandemic

**Q - Do we need to pay a worker who has had to stay at home because a dependant has coronavirus?**

Currently, this is likely to fall within an employee's right to take dependant care leave. This allows an employee to take a reasonable amount of unpaid leave to take necessary action when a dependant falls ill.

However, changes were announced to SSP in the 2020 budget, which will, in due course, temporarily extend SSP to cover people caring for those within the same household who display coronavirus symptoms and have been told to self-isolate. We will update this article to provide more details once these are published.

**Q- Do I have to allow employees to cancel their booked period of annual leave if they cannot travel abroad as planned?**

**A -** No, there is no requirement for you to do this. If you have specific rules on allowing employees to cancel their leave, you should stick to these but, in the circumstances, we encourage you to be more flexible and allow cancellation.

**Q - Should a policy triggering disciplinary action after a certain amount of absence be reconsidered in relation to employees with coronavirus symptoms?**

It is sensible for employers to reconsider their disciplinary policy in relation to sickness absence where employees are sick with symptoms suggesting a risk of coronavirus. If employees are concerned about disciplinary action, they may attend work when unwell or return to work before they are fully recovered. Not only are sick employees likely to perform poorly, but they also risk infecting other employees, which will result in increased staff absence.

In order to avoid these issues, employers may wish to advise employees that absence due to coronavirus symptoms will not be taken into account when determining whether or not to take disciplinary action. They should make clear that this is a temporary measure and update employees when they revert to the normal policy.

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*\*Disclaimer: This situation is changing daily therefore this advice is correct as at 14.3.20. We will continue to update our guidance to support you but if you need specific advice please contact us directly.*