

## **CORONAVIRUS – AN EMPLOYER’S OBLIGATIONS**

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The World Health Organisation (WHO) on 30<sup>th</sup> January 2020 declared that the Coronavirus was a global public health emergency and in response to WHO declaration. The UK Chief Medical Officer has raised the risk to the public from low to moderate.

The symptoms associated with the virus include, amongst other things, fever, cough and trouble breathing. Where employees attending work, display any symptoms of the coronavirus, a welfare meeting will be held immediately with the employee to discuss sickness absence, and the Company Health & Safety Policy. Any colleagues who have been in contact with the individual will also be advised to contact their GP if displaying the symptoms. The employee should not return to work until the symptoms have fully cleared, the risk of spreading the virus has passed and they feel well enough to return to work.

Employees should follow the advice from the relevant public health body about how to obtain an initial assessment of their symptoms and further medical help.

Following sickness absence, where the employee feels able to return to work, but the employer has doubts if the employee has fully recovered, then a welfare meeting will be arranged before the employee will be able to return to work, this would probably be held over the phone. The purpose of the discussion is to discuss fitness to return, if there are concerns the employer should seek the employees consent to contact his/her GP to confirm fitness to return to work.

In a situation where the GP has yet been unable to certify as unfit for work or the employee has not been able to arrange an appointment with the GP following the 7 days self-certification for sickness absence under statutory sick pay provisions and the employee is insisting upon returning back to work, there may be grounds for briefly suspending the employee on health and safety grounds following a risk assessment. The suspension would be on full pay until independent medical clarity is obtained. Alternatively, the employer may allow the employee to work from home.

Employees planning on travelling to an area confirmed as a ‘virus hotspot’ have an obligation to advise the Company immediately and a risk assessment will be carried out. The Company have a duty of care to all employees and if the risk is considered high enough, a period of 14 days self-isolation will be imposed on the employee. The 14 day self-isolation period will not be treated as paid sick leave if the employee was aware of the risk before travelling. It may be possible, at the Directors discretion for the employee to carry out some work from home, or take additional holiday or unpaid leave. The Company do have the right to cancel a holiday request giving a minimum notification period of double the time period of the actual holiday in question. Any employee travelling to a ‘virus hotspot’ should ensure that their travel insurance will be valid, they should ensure they keep up to date with government guidelines and maintain good hygiene practices at all times.

Under Data Protection Act 2018 and General Data Protection Regulation (GDPR), employees have a right to expect that their personal information is kept confidential and is not disclosed throughout the workplace, including health status. On the other hand, the Company has a legal obligation to ensure that the workplace is safe and so with the employee’s written consent some information may be disclosed.

Employers are under an obligation to keep the workplace free from discrimination or harassment. The Equality Act 2010 prohibits discrimination or harassment in employment based on certain protected characteristics, such as disability, race, ethnic or national origin. The origins of Coronavirus are believed to be in Wuhan, China, with the virus spreading quickly throughout mainland China and into Hong Kong, Japan, Thailand and Vietnam. As a result, many people may assume that a person working in UK but from a South East Asia community either has Coronavirus or associates with others affected by Coronavirus. Employers and employees should not make assumptions based on stereotypes and any complaints from employees in this context should be addressed via the Company's internal grievance procedure.

All employees should ensure they comply with Company health and safety obligations of good hygiene practices within the workplace.

Where employees are attending at clients premises, we will endeavour to ensure that they are adopting the same self-isolation procedure, and the same will apply to clients and visitors to our offices.

While this procedure refers specifically to the Coronavirus, it will also apply to any other virus in the future deemed to be a serious risk to the public.

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