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CORONAVIRUS - AN EMPLOYER'S CHECKLIST

Background

The World Health Organisation has declared the outbreak of novel coronavirus (also known as COVID-19) as a "public emergency of international concern" (30 Jan 2020). In the UK, Health Secretary Matt Hancock has declared it a "serious and imminent threat" to the British public and the UK Government has since raised the risk to the British public from low to moderate (11 Feb 2020). The UK Government has also implemented new regulations allowing restrictions to be imposed on any individual considered to be at risk of spreading the virus. The situation is rapidly evolving and should be carefully monitored.

Novel coronavirus is a new strain of coronavirus first identified in Wuhan City, Hubei Province of China, in December 2019. Since then, cases have been confirmed in a growing number of other international locations, including the UK. Typical symptoms include fever and a cough that may progress to pneumonia causing shortness of breath and breathing difficulties. Generally, it poses a heightened risk to those with weakened immune systems, older people and those with long term conditions like diabetes, cancer and lung disease. Find out more about the virus here.

The Foreign and Commonwealth Office (FCO) is currently advising against all travel to Hubei Province, and all but essential travel to the rest of mainland China (not including Hong Kong and Macao) (11 Feb 2020). Anyone who has travelled to the UK from mainland China, Thailand, Japan, Republic of Korea, Hong Kong, Taiwan, Singapore, Malaysia or Macau and is experiencing cough, fever or shortness of breath should stay at home in self-isolation and call NHS 111. For more information, see the FCO guidance.

Action points

Set out below is our list of key action points (and associated questions) for employers to consider in relation to their workforce.

Many businesses will already have crisis management/contingency plans in place which may answer many of the questions of the posed. These are likely to deal with issues such as servicing customers with a skeleton staff. Many will just need to be adapted to the specific crisis. General business development plans might already have in place procedures for reducing travel and the need for face to face contact (such as video conferencing and remote access to IT systems).

Ultimately, the answers to many of the questions and the actions which an employer could and should take will depend upon any requirements imposed by the Government and prevailing official guidance. These should, therefore, be monitored and changes reflected.

1. Preparation

- Do you have a business continuity plan which deals with the issues/needs to be followed?
- Locate any plans/policies developed in relation to SARS/avian flu/swine flu to use as a starting point
- Review useful official sources of guidance for current information (see list below)

2. Policies and procedures

- Consider which policies may be affected (if you have them) in particular:
  - sickness policy
  - absence policy
  - travel policy
  - homeworking policy
- Be familiar with all statutory requirements and any set out in applicable collective bargaining agreements on these issues
- If policies are being introduced/amended does this need consultation of/negotiation with/approval of works councils/employee representatives?

3. Sickness absence policy

- Is there a centralised reporting system?
- Does the policy (where permissible) impose requirements on employees to inform business if eg they have
  - typical coronavirus symptoms (e.g. fever, cough, or shortness of breath)
  - been exposed to anyone who has or may have typical coronavirus symptoms
  - visited areas where there has been an outbreak
  - been diagnosed as having coronavirus
- Where it is not possible to impose such requirements, consider asking for employees to provide information on a voluntary basis
- Review return to work procedures – in what circumstances can affected employees return, what medical evidence must be produced (where permissible)?

4. Absence policy

- In what circumstances can employees be required to stay away from the office?
- How will such absence be treated?
- Does the policy deal with employees being required to work from home?

5. Travel policy

- Does the travel policy deal with:
  - regular monitoring of official travel guidance
  - specific restrictions on business travel to areas with outbreaks
  - business authorisations necessary to approve travel to such areas
  - arrangements that will be made if such travel is required (eg provision of medication/insurance)
  - procedure on return (eg any requirement to work from home)
  - personal travel - any requirement for employee to notify employer of travel to specific areas (and, if so, which)
  - arrangements on return (eg any required period of absence from the office, how this absence will be treated, whether employee will be required to work from home)?

6. Other policies

- Review other leave policies (eg time off for dependents, family leave etc) - is it clear how they will apply in these circumstances?

7. Communicating with employees

- Which employee representatives (if any) should be involved?
- What information should be provided now? eg
  - what the business is doing in response to this threat
  - any policies which have been updated and where they can be found
  - ongoing communication channels - where should employees be looking for/expecting to find current information on the business requirements/procedures (eg intranet, group briefings etc)
  - future communication channels re the threat (eg whom employees should contact, crisis procedures, how employees can access information if they are out of the office)
  - information on practical matters (support numbers, useful websites, details of any employee health insurance schemes etc)
- Ensure employee contact information is up to date (how to contact them, whom to contact if they fall ill)

8. Reducing exposure at work

- Ensure current guidance on risk reduction in the workplace is being monitored and implemented
- Inform employees of any required necessary steps to reduce exposure at work
- What plans are in place if an employee who has been in the office is diagnosed with coronavirus?

9. Medicines and medical aids

- Review official guidance on effectiveness of medicines and aids
- Check whether it is permissible to hold/distribute medicines and aids
- Do you already hold any useful medicines/medical aids (eg drugs, anti bacterial hand gels)?
- With eg drugs, do you have any necessary licences/consents for storage and distribution?
- Make sure that there is a clear policy on who can distribute and when

10. General points

- Ensure that implementation of plans and procedures does not unlawfully discriminate
- Consider preparing a “what you need to know” or “Q&A” for employees to ensure a consistent approach to questions
- Be familiar with available insurance relevant to the circumstances

USEFUL LINKS

Simmons & Simmons Insights

Insight – Coronavirus – Impact on Business Contracts

Insight – The Coronavirus outbreak challenge

UK

UK Department of Health – Home page on coronavirus

UK Public Health England – Novel coronavirus – what you need to know

Foreign and Commonwealth Office – Travel advice on coronavirus

National Travel Health Network and Centre – Travel health advice webpage

NHS Guidance – Home page on coronavirus

General

World Health Organisation – Home page on coronavirus

European Centre for Disease Prevention and Control – Home page on coronavirus

US Centers for Disease Control and Prevention – Home page on coronavirus

PRC

National Health Commission of the People's Republic of China

12 February 2020

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