



Looking ahead: Returning to work in the time of Covid-19

STEPHENSON
HARWOOD

RETURN TO WORK CHECKLIST



Following the Government's announcement this weekend that the country will begin to see an easing of lockdown, and that some employees may return to work, employers will be considering what protocols they must introduce to facilitate a safe return to work.

An employee's right to a safe place to work is set out in both legislation and common law; in particular the *Health and Safety at Work Act 1974* which sets out the duty for employers to ensure, as far as reasonably practicable, the health, safety and welfare of its employees.

The key consideration for employers is therefore: *"How can I ensure the safety of my staff when they return to work?"*

Employees also have a part to play in ensuring they comply with employer instructions to minimise the further spread of Coronavirus. Employers will need to clearly relay the measures taken and ensure employees understand what their obligations are.

To assist employers, we have created a checklist of points to consider and can advise you on how best to implement these in your workplace.

We recognise that this is a difficult time for employers who are faced with the obligation to make decisions based on an unprecedented set of circumstances. On this basis, clearly documenting all decisions, primarily through risk assessments, is vital.

There is no "one size fits all" approach. Employers should take a collaborative approach with their employees to ensure the return to work takes place as smoothly as possible.

We have a specialist Covid-19 Return to Work team. If you have any questions or require advice about how best to implement the above, including adjustments to your workplace or policies, please do get in touch with Paul Reeves, Natalie Edwards or your usual Stephenson Harwood contact in the first instance.

Overview of checklist



RETURN TO WORK CHECKLIST

	Considerations	Status
<p><u>Can you enforce social distancing?</u></p> <p>Social distancing measures are likely to remain in place for an extended period of time long after lockdown ends and an initial return to work is permitted. Government Guidance states that a distance of 2 metres should be maintained between individuals to prevent the spread of Coronavirus. How can this be achieved in the workplace?</p>		
1	Can you adapt your current floorplan to allow for social distancing when at full capacity? Is it possible to disseminate a virtual tour of the new layout before employees return to allay any concerns they have and to ensure the new floorplan is understood in advance?	
2	How will you limit the number of people in communal areas such as kitchens, lavatories and meeting rooms at any one time?	
3	Can you avoid a build-up of people surrounding entry/exit doors or barriers at busy times of the day?	
4	If your workplace is customer facing, what measures will you take to protect both your customers and employees?	
<p><u>How can you increase hygiene standards in your workplace?</u></p> <p>Existing health and safety policies may not be stringent enough to stop the spread of Coronavirus. Prudent measures to consider are:</p>		
1	How will you best communicate new hygiene protocols to employees, such as staying at home if unwell, regular handwashing and disposing of waste, such as used tissues? Could you require employees to undertake mandatory online training where they are required to correctly answer questions on what they have been told?	
2	What are the practicalities of more frequent “deep cleaning”?	
3	How will you ensure that communal items in your workplace such as pool laptops and shared mugs are kept clean?	
4	Can hand sanitisers be fixed in key locations around the office such as at doors, barriers and beside the lifts?	
<p><u>Will you provide Personal Protective Equipment (“PPE”)?</u></p> <p>PPE includes gloves, masks and hand gel and are recommended to prevent the spread and contraction of Coronavirus.</p>		
1	Is it necessary to provide PPE to all employees?	
2	Do you have to make any adjustments to the PPE provided to accommodate any religious or disability needs?	
3	Should you run training sessions, either virtually or upon the return to work, to teach employees the correct manner to use PPE and to answer any questions they have on this?	
4	What impact might your use of PPE have on the limited supplies of PPE for key workers?	
<p><u>Will you need to update policies and procedures?</u></p> <p>Given the unprecedented nature of the Coronavirus pandemic, it is unlikely that existing Company policies will provide sufficient guidance to the rapidly evolving “new normal”.</p>		
1	If an employee becomes unwell with suspected Coronavirus symptoms, what actions should you and the employee take?	
2	How will you manage whistleblowing complaints such as, reporting of those not practising social distancing or those who are exploiting the situation?	
3	What measures will you put in place to deal with a possible “second wave” of Coronavirus lockdown?	

	Considerations	Status
4	Consider which policies and procedures need updating in light of Government guidance and the new health and safety protocols, for example, your Health and Safety Policy, Holiday Policy, Whistleblowing Policy and Disciplinary and Grievance Policies.	

Please do get in touch with Paul Reeves or Natalie Edwards or your usual Stephenson Harwood contact if you require advice on the issues arising out of this e-alert.

In the meantime, we hope you continue to keep safe and healthy during this challenging time.



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