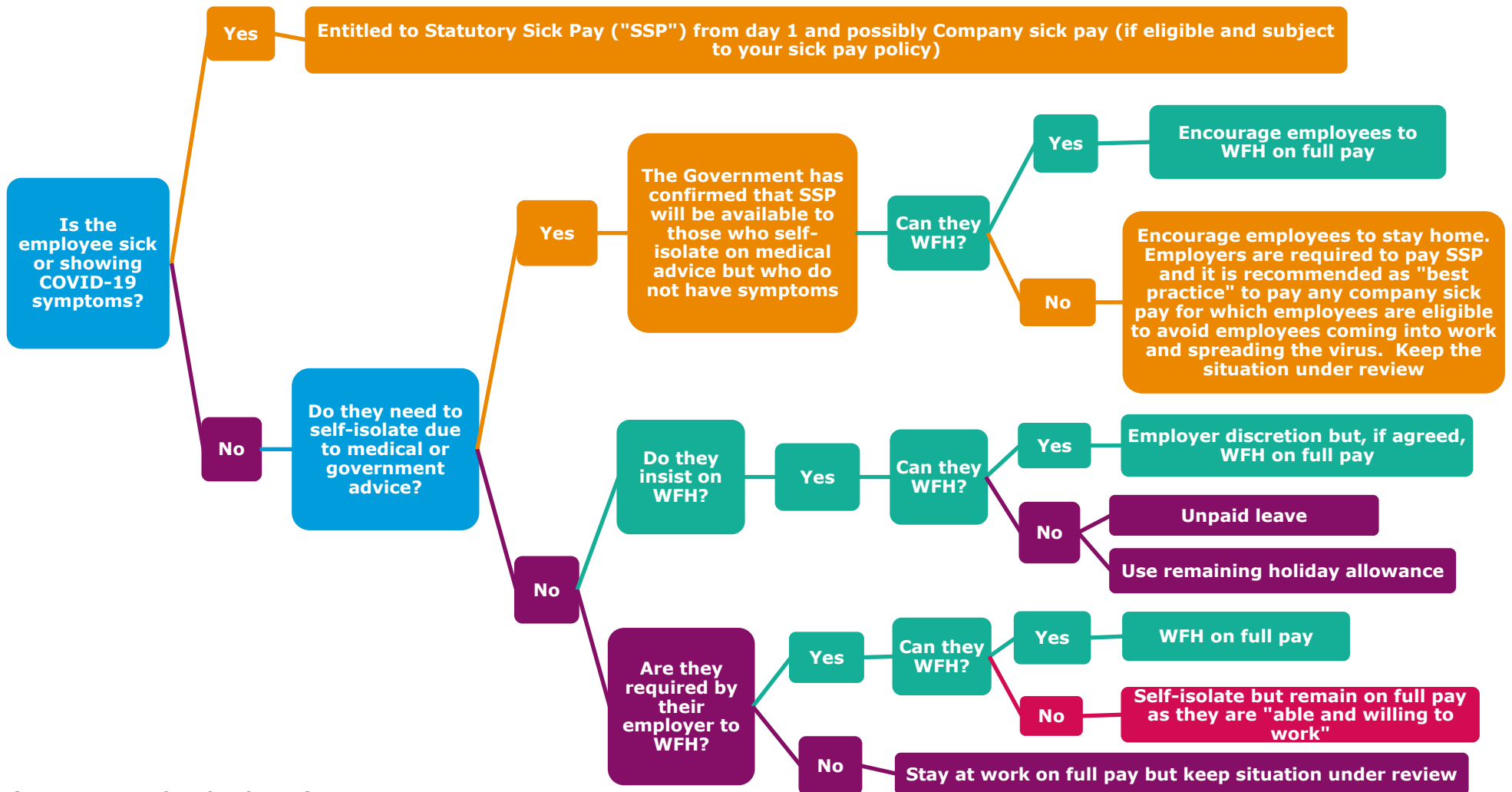


Covid-19: Helping employers to navigate next steps

As the Covid-19 pandemic continues, employers are increasingly asking questions about working from home ("WFH"), self-isolation and sick pay. We've created a helpful flowchart setting out the various scenarios.



We are advising a number of our clients about the impact COVID-19 is having on them and their employees and we have set out below points for you to consider to help ensure your business can continue in these changing times:

- Have you tested your business continuity plan and is it up to date (e.g. contact details and those with responsibility for implementation)?
- Is your business set up for employees to work from home (WFH) – have you tested if your IT system can cope with all employees (or the majority) working remotely?
- Have you run a test to cascade messaging to employees in the event of an emergency lock down, so that all employees are up to date of what is happening or how they can obtain information and from whom?
- Can you increase the use of video-conferencing across your business?
- Should work patterns change e.g. splitting departments to avoid contact and reduce the risk of contagion – i.e. different offices, different working hours, alternate WFH days for different department or teams within a department, so that your business can continue if some members test positive for the virus?
- Have you put in place a team of people who will monitor the changing guidance and provide regular updates to management to cascade across your workforce? It is advisable to have more than one person responsible for this, in case they become unwell.
- Have you considered your obligations in relation to employees who may have compromised immune systems and any reasonable adjustments that should be made?
- If any employees are diagnosed with COVID-19 how will this be dealt with, including any communications to staff? Keep in mind your GDPR obligations as information could be sensitive personal data.
- Do you have a system in place encouraging voluntary reporting of travel plans and attendance at large-scale events? How will you deal with employees who misreport or fail to report? How will co-workers be able to report if they are aware of a colleague false reporting and protection from retaliation if they do?
- Will you ban/restrict attendance at conferences/large public gatherings and what will happen if employees do attend?
- How will you deal with employees insistent on travelling, for personal reasons, to category 1 (possibly category 2) regions and how will you deal with them on their return?
- Consider adding an email footer to forewarn anyone attending your offices what your guidelines are, to avoid any issues on arrival at your offices.
- Do you need to issue a statement to customers and clients that your contingency planning means you have the capability to continue business as usual?
- Be vigilant about possible discrimination, victimisation and harassment in the workplace arising from COVID-19 and ensure the measures you put in place are not discriminatory.
- If employees need to take care of their children and/or elderly relatives - how will you deal with this? Consider your current policies of emergency time off for dependents and unpaid parental leave.

As this pandemic could disrupt normal working practices for some time, it is prudent to consider whether practices you are putting in place now are sustainable (e.g. if you are being particularly generous in allowing paid time off or offering maximum flexibility – can these continue for many months, if this situation continues?). Stating that measures or practices are subject to continual review and amendment is advisable, until the full impact is known or better understood.

We have a dedicated Covid-19 team of employment lawyers keeping up to date on the latest developments and available to answer any questions you may have. Please do get in touch with Paul Reeves, Leanne Raven, Charlotte Varela or your usual Stephenson Harwood contact.

This note (including the flowchart) is for guidance only and does not constitute legal advice. Please note this information is based on the situation as at the time of sending on 12 March 2020. As the pandemic continues to develop and government guidance and public health advice is subject to change, please do get in touch for the most up to date advice.