

# UPDATED: Coronavirus Guidelines

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The continued spread of the Coronavirus has seen further closures across all non-essential industries.

## Essential Business

If your business is classed as “essential”, your employees should be given the status “key worker” and have documentation to allow them to continue travelling and working.

You are still required to abide by social distancing and increase your Health & Safety standards accordingly to protect against spreading the virus amongst your on-site workers.

## Key Workers

If your employees are still attending work due to its essential nature, they must carry a letter confirming their status as a Key Worker. If they don't, they could face up to a £30 fine with additional repercussions for the Company.

In Scotland, a Key Worker should sit in one of the following categories:

**Category 1** – Health and Care workers directly supporting COVID response, and associated staff; Health and Care workers supporting life threatening emergency work, as well as critical primary and community care provision; Energy suppliers; staff providing childcare/learning for other Category 1 staff.

**Category 2** – All other Health and Care workers, and wider public sector workers providing emergency/critical welfare services (e.g. Fire, Police, Prisons, Social Workers, etc), as well as those supporting our Critical National Infrastructure, without whom serious damage to the welfare of the people of Scotland could be caused.

**Category 3** – All workers (private, public or third sector) without whom there could be a significant impact on Scotland (but where the response to COVID-19, or the ability to perform essential tasks to keep the country running, would not be severely compromised).

*Agricultural businesses will fall within Category 3.*

In England, a Key Worker should sit in one of the following categories:

**Health and Social Care** – this includes but is not limited to, doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff including volunteers; the support and specialist staff required to maintain the UK's health and social care sector; those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.

**Education and Childcare** – This includes childcare, support and teaching staff, social workers and those specialist education professionals who must remain active during the COVID-19 response to deliver this approach.

**Key Public Services** – This includes those essential to the running of the justice system, religious staff, charities and workers delivering key frontline services, those responsible for the management of the deceased, and journalists and broadcasters who are providing public service broadcasting.

**Local and National Government** – This only includes those administrative occupations essential to the effective delivery of the COVID-19 response, or delivering essential public services, such as the payment of benefits, including in government agencies and arms length bodies.

**Food and Other Necessary Goods** – This includes those involved in food production, processing, distribution, sale and delivery, as well as those essential to the provision of other key goods (for example hygienic and veterinary medicines).

**Public Safety and National Security** – This includes police and support staff, Ministry of Defence civilians, contractor and armed forces personnel (those critical to the delivery of key defence and national security outputs and essential to the response to the COVID-19 pandemic), fire and rescue service employees (including support staff), National Crime Agency staff, those maintaining border security, prison and probation staff and other national security roles, including those overseas.

**Transport** – This includes those who will keep the air, water, road and rail passenger and freight transport modes operating the COVID-19 response, including those working on transport systems through which supply chains pass.

**Utilities, Communication and Financial Services** – This includes staff needed for essential financial services provision (including but not limited to workers in banks, building societies and financial market infrastructure), the oil, gas, electricity and water sectors (including sewerage), information technology and data infrastructure sector and primary industry supplies to continue during the COVID-19 response, as well as key staff working in the civil nuclear, chemicals, telecommunications (including but not limited to network operations, field engineering, call centre staff, IT and data infrastructure, 999 and 111 critical services), postal services and delivery, payments providers and waste disposal sectors.

If you are unsure where your employees sit, or need documentation to provide safe passage for your employees to and from work as they're in an essential industry sector, then please talk to us.

## Non-Essential Business

If your business is classed as “non-essential” your offices should have closed following the recent announcements from the government and arrangements should have been made for your employees to work from home as much as possible.

## School Closures

With the school closures, some of your employees may be unable to work from home as they need to look after their children. Some of these employees may be able to work shorter hours, however some may not be able to work any hours.

As an Employer it is wise to introduce your normal “summer holidays” process earlier, whether this requires your team to rotate their holiday earlier or reduce their hours. This shouldn't be unusual for your team.

Each situation will be different, especially in one-parent families and your flexibility is needed to try and find the best solution. In circumstances where your employee cannot work, you should put them on SSP for self-isolation at a minimum.

### Managing Holidays

Considering we don't anticipate normal trade to return until the Autumn, your team will continue accruing their normal holiday entitlement.

As the Employer, you are entitled to manage and book your employees holidays to ensure the stability of your business operation. It would be wise to discuss this with your team and arrange for a holiday rotation so that all employees are using holiday throughout this time.

Otherwise just as your business gets back to normal trading conditions, you will have full employee holiday entitlements to get through before the end of your holiday year, putting additional strain on your resource when you need to be concentrating on recovery.

### Managing Absence

As you will know, the government has made allowances for employees extending their entitlement to statutory sick pay (SSP) from day one (instead of day three), which the Employer can claim back for the first 14 days of absence.

However, many Employers provide company sick pay entitlements, and, in these circumstances, it may not be economically viable for you to pay all employees when they're off work self-isolating. As per your contracts, you have given your employees an *entitlement* to company sick pay, however as the Employer you retain the discretion as to how it can be applied.

For example, if you have an employee off work due to self-isolation, they are entitled to SSP, however, they are not technically sick. So, you could, restrict their CSP entitlement until such a time as they are sick e.g. tested positive for the virus *or* sick in another capacity. This would allow you to better manage financial resource if your business is under significant strain.

### Short Term Working and Lay-Offs

It's unusual to see a clause that covers short term working or lay-offs in most commercial contracts, however some contracts may contain this clause which allows the Employer to lay-off or reduce employee contracts during periods where business slows down.

We have a number of suggestions on how to manage your people during this time, if you have any concerns you can talk to us directly, otherwise we've detailed our suggestions on resource reorganisation in our website blog.

### Coronavirus Job Retention Scheme

The Scheme looks to pay 80% of the wages of employees who would otherwise be under threat of redundancy due to the lack of available work. We are keeping our blog up-to-date with information about the Scheme, with the anticipated release date of the HMRC portal in April 2020.

If you have any questions, please contact us: [gail@greenburn.co.uk](mailto:gail@greenburn.co.uk)