



**Project
Health & Safety
Services Ltd**

protecting your world

Returning to Work after Lockdown
Employers Guide
3 June 2020



The following guidance is prepared from both an HR and H&S point of view in order to help you navigate the 'back to work' minefield post COVID-19

Overview **UPDATE**

On 23rd March 2020, the UK went into 'lockdown' meaning hundreds of thousands of businesses placed their employees on furlough leave and many have not attended work since. On Sunday 10th May, the Prime Minister set out a brief roadmap of easing lockdown and returning to work, with a further detailed plan and employer guidance issued on Monday 11th May. The Prime Minister further announced easing of lockdown measures on 28th May.

Who does the new guidance apply to? **UPDATE**

The same guidance applies for all businesses and all countries in the UK, however timescales and dates of easing of restrictions may differ from Country to Country and it is advised that the Government website is constantly reviewed.

When does the new guidance take effect from? **UPDATE**

Some businesses can return to operation from Wednesday 13th May, however it is advised that a robust and safe return to work plan is in place before any work commences.

What type of businesses can return to work?

The guidance refers to the following industries and a detailed document for each industry can be found by clicking on each one:

- [Construction and other outdoor work](#)
- [Factories, plants and warehouses](#)
- [Homes](#)
- [Labs and research facilities](#)
- [Offices and contact centres](#)
- [Restaurants offering takeaway or delivery](#)
- [Shops and branches](#)
- [Vehicles](#)

What key themes emerge from the 8 different guidance documents?

1. Work from home, if you can

All reasonable steps should be taken by employers to help people work from home. But for those who cannot work from home and whose workplace has not been told to close, our message is clear: you should go to work. Staff should speak to their employer about when their workplace will open.

2. Carry out a COVID-19 risk assessment, in consultation with workers or trade unions

This guidance operates within current health and safety employment and equalities legislation and employers will need to carry out COVID-19 risk assessments in consultation with their workers or trade unions, to establish what guidelines to put in place. If possible, employers should publish the results of their risk assessments on their website and we expect all businesses with over 50 employees to do so.

3. Maintain 2 metres social distancing, wherever possible

Employers should re-design workspaces to maintain 2 metre distances between people by staggering start times, creating one way walk-throughs, opening more entrances and exits, or changing seating layouts in break rooms.

4. Where people cannot be 2 metres apart, manage transmission risk

Employers should look into putting barriers in shared spaces, creating workplace shift patterns or fixed teams minimising the number of people in contact with one another, or ensuring colleagues are facing away from each other.

5. Reinforcing cleaning processes

Workplaces should be cleaned more frequently, paying close attention to high-contact objects like door handles and keyboards. Employers should provide handwashing facilities or hand sanitisers at entry and exit points. A downloadable notice is included in the documents, which employers should display in their workplaces to show their employees, customers and other visitors to their workplace, that they have followed this guidance.



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Overview

Regardless of whether you operate in England, Scotland, Wales or NI, businesses will need to prepare themselves for returning when they are advised to. This guide helps you to plan exactly how your business can re-open safely and legally following the COVID-19 pandemic in addition to the Government key guidelines set out [here](#).

This guide will cover the following four areas:

1. Preparing to return
2. Getting to and arriving at work
3. Being at work and working from home
4. Away from work and absences

1. Preparing to Return

Employees have been away from work due to furlough, do I need to carry out return to work meetings as if they were off due to ill-health?

Yes, absolutely. Employees who have been furloughed may have been away from work for a significant period of time and is therefore important that you assess their current state of wellbeing and fitness to return to work. Some employees health status may have changed during this time and it is advised not to make assumptions about employees fitness for work.

It is advised to carry these out prior to employees returning in order to have sufficient time to make any reasonable adjustments and plan for their return.

Is it ok to ask employees to return to work on different dates to implement a phased return? UPDATE

The CJRS is due to end on 31st October, with the funding being reduced from August, this should be taken into account when returning employees to work. Those who you choose to return before others must be selected in a fair and consistent way. When some employees have not yet returned to work, it may be advisable to use holidays or agreed unpaid leave, but it is strongly advised that you seek legal advice in these circumstances to prevent unfair treatment and potential claims.

Can I adjust my employees hours of work i.e. reduce them or amend their start and finish time to meet the new needs of the business?

If you need to make contractual changes it is important that you check to see if your employment contract allows you to do this. Where this is not possible, you will need to seek agreement through consultation with your employees to make any adjustments to their current contractual arrangements. It is strongly advised that you seek legal advice to ensure that you do not breach employment contracts.

I'd like to give some of my employees additional duties when they return to spread the workload and support with the COVID-19 crisis, can I do this?

Generally, yes. Check your employment contracts and/or job descriptions to see if you have a clause that allows you to make changes to their job role. Where the changes or additional duties are minimal or temporary, it is normally reasonable to make this change without consultation and can be a relatively straight forward process without any issues. Where the change or additional duties are a substantial change then consultation to make these changes may be required. Seek further legal advice.



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My employee who is furloughed has resigned, how do I handle this?

There may be situations where employees have sought alternative employment during this period and as such have resigned from their role. Employees who are furloughed are contractually bound by their notice period within their employment contract.

An employee has informed me that whilst furloughed they have taken on an additional job, how do I handle this?

Check whether your employment contract allows employees to have a second job, normally employees would need to seek permission in advance. Also, when your employees are due to return from furlough, they must fulfil their contractual obligations and return to work when asked. Failure to do so may result in disciplinary action.

I do not have enough work for all of my employees to return, what do I do?

There are a variety of measures you can put in place to prevent job losses such as recruitment freeze, job share, reduced working hours, etc and it is advised that you consider these before redundancies. However, we do appreciate that those options may not be viable for some organisations and have no alternative to redundancy. A redundancy process must be fair and followed according to employment legislation. It is therefore advised that you seek legal advice when considering redundancies.

I am ready to bring employees back to work, but one of them is shielding due to health reasons, when can they return and what do I pay them?

Whilst the furlough scheme is still in place, they can continue to be furloughed. However, when the furlough scheme ends and they have been advised by the NHS to continue to shield, we would seek guidance from the government at that time. Until such time, and when furlough ends, it is advised that SSP may be the appropriate status but you should consider this with caution.

Can I force my employees to use holidays before they come back from furlough?

Yes. So long as you provide employees with twice as much notice as the length of the holiday (e.g. 10 days notice for 5 days holiday). Holidays must be paid at 100% salary, or the average salary over the last 52 weeks, and furlough can still be claimed at this time if the scheme is still in place.

Can I ask my employees to carry out training before the return to work from furlough?

Yes, and it is recommended that you do so, particularly with regards to refresher training where employees have been away from work for some time. Please note that if training takes place whilst on furlough, their 80% cannot be any less than NMW and the employer is expected to make up the difference if this was the case.

I have an employee who is refusing to return to work because they are afraid of catching COVID-19, what do I do?

If you have work available, and the employee is not sick or shielding then they are expected to return to work. We understand that a lot of employees will be nervous about returning and it is therefore important that employers set out a series of measures to ensure the safety and wellbeing of their employees by following the Government guidance on social distancing. These measures must be communicated to all employees before they return to ensure they understand what will be expected as well as reassuring them that protective and preventative measures have been implemented to minimise the risk of contracting the virus.

I want to make a temporary or permanent change to a handbook or policy, how do I do this?

Prior to employees returning from furlough, where you need to make a temporary adjustment to any internal processes, employees must be informed about these changes either through a memo or a policy change and communication shared with employees in advance.



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Do I need to review company policies in light of COVID-19?

Yes, absolutely. Many of your existing policies, procedures, risk assessments and method statements will need to be reviewed and updated to reflect The Health Protection (Coronavirus, Restrictions) Regulations 2020 for each country within the UK.

How do I set up employees workspaces, including company vehicles, whilst complying with social distancing measures?

A full review of each workspace will need to be carried out. Your health and safety advisor is best placed to individually assess each space and advise on the appropriate control measures. You will also need to plan for additional PPE supplies, hygiene and cleaning products and signage.

Will I need to carry out inductions for employees returning to work.

This is one of the most important things that you will need to do. Life in general is different and this will significantly impact on the workplace. All employees will need to be made aware of any changes to their workplaces e.g. social distancing controls. All tasks will need to be reviewed and risk assessments and method statements updated. You may want to consider virtual inductions before employees actually arrive again at the workplace.

My employee does not feel confident to carry out their work tasks since it has been significant time since they have been at work. **UPDATE**

Utilise the furlough period to provide refresher training / online training to employees which can be carried out at home prior to returning to work. One to ones and group calls can also have a positive impact in maintaining employee engagement during this time.

Do I have to give employees notice to return to work and does it need to be in writing?

There is no legal requirement to provide notice, however it is best practice and advised to give employees adequate notice in order to prepare for returning to work. However, you are required to provide written confirmation that their employment status will change from furlough to returning to work.

A member of staff have suffered a period of anxiety/depression due to the current situation, how do I support them?

Do not underestimate the effects of people being in isolation, and whilst you have kept in touch with them during the period of furlough, lack of human to human interaction can have a negative effect on individuals. Understanding how employees are feeling during the return to work meetings (including trauma, domestic abuse, losing a family member, etc) will help and it is recommended that you prepare for situations like this such as considering an employee assistance programme, occupational health and other internal activities to help bring people together.

I have not been able to get in contact directly with an employee whilst on furlough.

When employees return to work it is important that employees keep you up to date with their contact details and emergency contact details in the event these are required whilst at work. Use this as a time of validation.



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2. Getting to and arriving at work

Employees are concerned that since everyone starts work at 9am, they will all be arriving into the building at the one time, how can I prevent huge gatherings in the car park, lifts, corridors, etc?

Staggering start and finish times would avoid these huge gatherings, and that be anything from 15mins apart which will help significantly. Check your employment contracts to ensure that they allow you to make these small changes and where required, seek consent from employees to make this change. Where a significant change is made, it is advised to seek legal advice when doing so.

What do I do about car parking arrangements?

This will need careful consideration. Employees should be encouraged, if possible, to travel alone by car rather than use public transport. This will increase the requirement for parking spaces and or for rearranged parking lots. If employees are car sharing, ideally they should be from the same household. This may not always be the case and you should speak to your health and safety advisor for specific advice.

Can my employees use public transport?

We would always advise to avoid using public transport for the time being. However, this isn't always possible. If employees are using public transport, they should maintain 2m distance from other travellers, avoid rush hours, avoid touching surfaces and wash hands as soon as possible after travelling. Some employees may feel more comfortable wearing PPE (gloves and masks) whilst travelling.

Due to the limitations on public transport, some employees are having to source alternative, more expensive arrangements to get to and from work, should I be supporting them financially?

The Government will be doing all it can to ensure that people can get to and from work as they normally would, however there may be pockets of areas where this is not possible. You are not legally required to compensate employees for travel, however it would be best practice to consider each case on an individual basis and support employees where you can.

Who should meet and greet employees who are returning to work?

A familiar face is preferable but given the circumstances this might not be possible. This will form part of your induction planning and you should decide who will be the first point of contact and communicate this to your employees before they return to work.

Do I need employees to sign in and out?

Yes. This is another important point and relates to, amongst other things, your fire and emergency arrangements. This will require input from your health and safety advisor as all workplaces are different. You should avoid sharing stationary etc. at sign in/out points and may want to consider other options such as contactless card readers.

Will I need to create new walking routes?

Yes. Think about one way systems, one door in one door out etc. Again this needs to align with your fire and emergency arrangements and will need input from your health and safety advisor.

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3. Being at work and working from home

How do I reconfigure the office?

Social distancing will be a requirement for the foreseeable future. You need to plan your workplace accordingly and this will require input from various parties. A working group, led by your health and safety advisor, is a good option to discuss the requirements.

In order to keep those on breaks at the same time as minimal as possible, can I adjust the length of time of the breaks that employees normally have and do I have to pay employees for these breaks?

Firstly, check the employment contracts to understand what current break arrangements are in place. If there's custom and practice and it is not written down anywhere then this would normally form part of the employment contract (implied term). Where breaks are explicitly detailed, then some form of consultation may be required to adjust these outwith the norm, seek further legal advice if in doubt. Where breaks are normally paid or unpaid, they should continue to be going forward, otherwise a breach of employment contract and/or unlawful deduction of wages claims could be made. Again, seek legal advice if in doubt.

In order to keep those on breaks at the same time as minimal as possible, can I change the time when breaks normally take place?

Again, it depends what is within the employment contract, or an implied term where custom and practice has created a contractual clause. Communication to employees in advance of them returning is key in order to ensure they understand the changes, potential changes and how this might impact them when they come back to work. Employees will generally accept change if they are kept informed and consulted with.

What can I do about welfare areas?

You will need to maintain the 2m rule in welfare and breakout areas. A one in one out system is an option and staff will need to wipe down touch points and surfaces. You could also encourage them to bring prepared food and drink to the workplace.

How do I manage the toilets to maintain social distancing?

A one in one out system is an option and staff will need to wipe down touch points and surfaces after use.

Can I control how meetings are conducted in the workplace, such as team meetings but more specifically disciplinary hearings and ones that cannot be avoided?

Absolutely! It is advisable that face to face meetings only take place where they are absolutely necessary and social distancing measures are considered where this is the case. Some meetings can take place at a distance, however it is important to ensure that those attending these meetings are able to participate (e.g. individuals who are hard of hearing may not be able to engage as well as they normally would in a closer setting). Where possible, limit group settings and move these online. Meetings which cannot be avoided such as disciplinary hearings can continue to take place, but with H&S measures in place to avoid contact where possible. Again, these can be moved online. Communication will employees in advance is key, to ensure they understand the changes that will take place when they return to work.

What measures do I need to put in place for handling materials and equipment?

All tasks will need to be reassessed taking cognisance of social distancing and additional hygiene measures. Your health and safety advisor will need to be involved with the reassessments. For example 2 person lifts will need to be carefully planned and all work equipment such as photocopiers will need to be wiped down.



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What if we need to work within 2m of each other?

Additional controls will be required e.g. face visors, respiratory protection (masks). These controls will need to be documented in a risk assessment.

What tools and equipment will I need to ensure social distancing requirements are met?

The requirement for tools and equipment will be detailed in your Workplace COVID-19 Management Plan. These will vary from site to site – you should seek guidance from your health and safety advisor. You may need screens at counters, new signage, marker tape for flooring etc.

How many hand sanitisers will I need in the workplace?

This will depend on the size, layout and operations undertaken in the workplace. For offices, hand sanitisers will need to be strategically placed e.g. at entrances, outside toilets. The Workplace COVID-19 Management Plan should detail specific requirements.

What are the PPE requirements for COVID-19?

This will vary for each workplace and task/s. The risk assessment review will identify the requirements for COVID-19 personal protective equipment (PPE) and respiratory protective equipment (RPE). Your health and safety advisor will advise on what is required e.g. face masks, disposable gloves etc.

Are screens required between people working in offices?

Screens and other measures to protect people who come into contact with others may be required. The requirements will emerge from your risk assessment review and form part of the Workplace COVID-19 Management Plan.

Employees are not following the guidelines set out by the Government and/or the guidelines set out by the company whilst at work, what can I do?

Where employees fail to follow a reasonable management instruction whilst at work, but also potentially cause risk and/or harm to themselves, other individuals or the company, then disciplinary action may be necessary. Seek further legal advice if in doubt.

I'd like to keep some of my employees working from home either on a temporary or permanent basis, how do I implement this?

Firstly, if this is an employment contract change you need to consult with employees - seek legal advice. In addition, you may want to implement a Working from Home Policy, setting out the rules and expectations as well as how the business will care for the employee whilst not 'in the office'.

My employees are working from home, how can I ensure I keep in touch with them regularly?

Communication is key! Regardless of whether they are homeworking or not, this comes up time and time again. Use chat programs (highly recommend Slack), it is a blessing! It's free and easy to keep in touch with people. Some employees may be struggling with home working and regular contact is essential to monitor their wellbeing. There are a number of platforms that you can use. If employees are unfamiliar with modern technology – use the traditional telephone and give them a call. Calls and video meetings! You'll be surprised how much more effective they are than sitting in a meeting room. You'll be able to engage with your team, catch up and remain connected. Establish daily check-ins, let employees know there's a platform to discuss concerns and questions on a one to one basis.

Give praise and encouragement! In these uncertain times, everyone is feeling anxious about the future, so it's important that employees continue to feel valued and recognised for their efforts at work.



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What work tools and equipment do I need to supply to employees working from home?

You need to supply them with everything that they need to carry out their work e.g. laptops, screens. To work efficiently, they will need access to the company's systems and you need to think about the security aspects. There are a number of online training courses to assist with these issues.

Will we need to clean the workplace every day?

We would recommend this yes. Surfaces, keyboards, touch points etc. should all be thoroughly cleaned at the end of each shift. This should form part of your workplace risk assessment.

Are DSE assessments required for home workers?

Yes, you need to do these. The Health and Safety (Display Screen Equipment) Regulations 1992 still apply.

4. Away from work and absences

Do I need to give my employees advice on travelling home from work?

Yes, advise them to follow the protocols that the government have laid down. Simple precautions can help reduce further spread of the disease.

An employee is feeling unwell at work and showing COVID-19 symptoms, what should I do?

They should go home immediately and not attend the workplace whilst they follow the Government self-isolating guidelines. The normal sickness absence policy would apply and a self-isolation note may be required as evidence. Additional measures within the workplace may be required such as cleaning down their workstation.

An employee who is working from home has fallen ill due to COVID-19 (suspected or confirmed), what do I need to do?

Where an employee has symptoms or a confirmed case, they must follow the Government self-isolation guidelines. If the employee is showing symptoms but is still able to work, then they should carry on working from home as normal. Where the employee is not fit to work, the normal absence policy rules and procedures would apply and a self-isolation note may be required as evidence.

An employee has informed me that a person they live with is displaying symptoms of COVID-19 or has a confirmed case, can they still come to work?

They should go home immediately and not attend the workplace whilst they follow the Government self-isolating guidelines. The normal sickness absence policy would apply and a self-isolation note may be required as evidence. Additional measures within the workplace may be required such as cleaning down their workstation.

My employee has been notified by a 'contact tracer' that they may have been exposed to the virus and are required to self isolate for 14 days, what do I pay them? **UPDATE**

Support these employees as much as you can, including protecting their income. If they are well enough do so then consider them working from home, otherwise they would be entitled to SSP as a minimum. The Government asks businesses, where possible, to be financially supportive towards these individuals.



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