

24 Sep 2020

# Coronavirus (COVID-19): employer response guide

This guide will help you plan your organisation's response to the global health emergency

## What should employers be doing in the current situation?

Organisations should focus on ongoing planning and prevention, taking steps both to immediately protect staff whilst building in flexibility to cope with the changing environment. Employers must keep themselves fully up to date with the current situation, including local outbreaks and constantly evolving restrictions.

The UK government is now advising that office workers who can work effectively from home should do so over the winter. Anyone else who cannot work from home should go to their place of work. The government has released [guidance](#) that should assist businesses if they decide to return to the workplace but employers should keep up to date with the latest advice.

Your employees' health and well-being is paramount. Employers have a statutory and common law duty of care for people's health and safety at work and you should do everything in your power to support people either remaining at home or taking necessary precautions in the workplace, taking account of legal obligations, the latest [Government guidance](#) and bearing in mind the [three tests recommended by the CIPD](#). Businesses also have to consider the health and safety of third parties, such as customers.

## HR basics to follow

- Make sure everyone's contact numbers and emergency contact details are up to date.
- Make sure all staff are aware of the latest national and local advice, your response as an employer and what you are doing to protect people's health and reduce the risk of infection spreading.
- Continue to communicate as the situation changes.

- Make sure managers are clear on any relevant policies and processes, for example sickness reporting and sick pay, and your homeworking policy and your coronavirus specific risk assessment.
- Plan for a local outbreak - contingency planning may include cover for key staff, preparing in advance for needing to close temporarily in the event of a workplace or local outbreak.
- Manage mental health issues - Employers must assess the risk of stress-related ill health arising from work activities, and should take reasonable measures to control such risks.

## Risk assessments

- Employers should involve staff in the steps taken to manage the risk of coronavirus in the workplace for those who cannot work from home.
- This will include a range of variable sector specific measures which may include social distancing, installation of screens, staggering shifts, hygiene, additional handwashing facilities, face coverings and PPE in appropriate cases.

## Protect your workforce

- Keep your workforce well-informed of the ongoing developments and [official advice from the Government](#) and [National Health Service](#) and promote resources that are available. If employers can show that they have given employees accurate information about ways to prevent the spread of infection and acted on that information, then it may help employers defend any claims made against them.
- Advise employees on the precautions they must take. This includes social distancing, working from home where possible and avoiding non-essential social contact (in line with the latest government advice). You can refer to the CIPD's series on remote working for [tips on getting the most from remote working](#) or watch a [video of the webinar](#) looking at supporting the health and well-being of remote teams.
- If your business has started to return to the workplace, all sensible measures to control risk in the workplace must be adopted, including maintaining social distancing which remains in place. Measures for safe working include separation, and preventing transmission through unnecessary touching of potentially contaminated surfaces. Some workplaces may adopt 'cohorting' to reduce the number of people each worker has contact with. Other measures include reducing the spread of infection by providing soap and hand sanitiser gels with alcohol,

especially in communal areas like kitchens and coffee areas. Provide staff with hand sanitisers. Increase the frequency and intensity of office cleaning; consider a deep clean; think about frequent wiping down of communal spaces such as kitchens, handrails on stairs, lift buttons, door handles, etc. Make sure you follow the [latest government guidance](#) relating to COVID-secure workplaces.

- The UK government has announced the test and trace service which provides testing for anyone who has symptoms of coronavirus to find out if they have it and obtains information about any close recent contacts from anyone who has had a positive test result. The service alerts those contacts, where necessary, and notifies them to self-isolate for 14 days to help stop the spread of the virus. Employers need to have a contingency plan in place which they can activate if significant numbers of employees are required to self-isolate for 14 days simultaneously. More information is available on the [Government website](#) and in the [FAQs on test and trace](#).
- Employees who have coronavirus or cannot work because they are self-isolating are entitled to Statutory Sick Pay (SSP) from day one. This includes individuals who may be a carrier of COVID-19 but may not have symptoms and people in the same household as those who display COVID-19 symptoms, and those who have been told to self-isolate by the test and trace service.
- The government has also [introduced measures](#) that will allow businesses with 250 employees or less to reclaim two weeks of SSP paid for sickness absence due to COVID-19. The CIPD also recommends that employers providing contractual sick pay should provide this if a member of staff is self-isolating, even if they have no symptoms. Alternative options to providing sick pay are to allow people who are asked to self-isolate to work from home wherever possible and continue to pay as normal. For more information on the changes to SSP read the [factsheet](#), [FAQs](#) or visit the [government website](#).
- Special provisions from 16 April 2020 meant that employees who were unable to work because they are shielding are entitled to SSP. However, from 1 August employers can no longer claim SSP for staff members just because they are shielding. SSP is available for those with symptoms or who live with someone with actual coronavirus symptoms, or who have been notified that they should self-isolate under the NHS test and trace system.
- Employers should use discretion around the need for medical evidence for a period of absence where an employee is advised to self-isolate. Employers do not need to see a fit note from the employee to reclaim the SSP payments. Employees can currently self-certify for the first seven days. Employees who contract the virus or who are self-isolating for more than 7 days can now apply for an isolation note

through a new online service. For those isolating for 14 days following notification from the test and trace service will give employers a copy of the notification in order for them to reclaim the SSP. More information is available on the [government website](#), in the [test and trace FAQs](#) and in the FAQ '[Do employees need a medical certificate?](#)'.

- The government have announced a package to support and enforce self-isolation. People will be required by law to self-isolate from 28 September, supported by payment of £500 for those on lower incomes who cannot work from home and have lost income as a result. New fines for those breaching self-isolation rules will start at £1,000 and could increase to up to £10,000 for repeat offences and for the most egregious breaches, including for those preventing others from self-isolating. This includes business owners who threaten self-isolating staff with redundancy if they do not come to work. More information is available on the [government website](#) and in our FAQ '[Is there any financial support for individuals in areas with high incidence of COVID-19 who can't work from home but are required to self-isolate?](#)'

## Protect your business

- Employers should develop a contingency plan to prepare for a range of eventualities regarding the business impact of the virus. You can download helpful templates from the [Coronavirus: support materials page](#) and refer to the [remote working series](#) to manage the widespread move to working from home and watch the [series of webinars](#).
- Appoint a pandemic coordinator or team to prepare and update plans and keep on top of official advice.
- Think about transferrable skills – do you have enough people to keep business-critical operations running if you do face staff shortages? If several co-workers are contacted by the test and trace service there may be sudden gaps in the workforce. Start training people now. Watch the [video of the CIPD's webinar](#) discussing critical workforce planning for more advice or refer to our [top tips for assessing transferable skills and redeploying](#).
- Encourage continued remote working and working from home where possible to minimise risks whilst following the [latest government advice](#). Consider making laptops available for staff who wouldn't normally work from home. Encourage team working / external meetings through video conferencing, etc. Make sure there's the right IT support in place for people.
- If your business stayed open, or is planning a return to the workplace, consider

creative resourcing solutions like staggering shifts or having A and B teams or cohorts so fewer people are in the workplace at any one time and reduce the risk of infection. You can refer to the [flexible working measures for returning to the workplace guide](#) for more information on staggering shifts.

- Maximise self-service options – for example, self-service tills at supermarkets so fewer staff are needed, encouraging people to do online banking rather than going into the branch, etc.

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## Planning your short-term response: key policies and processes to review and communicate

Your priority for your short-term response should be to protect your workforce. You should continue to take steps to safeguard the health and safety of your workforce and allow for as much business continuity as possible.

### Sick leave and pay

- Review your policy around absence and where possible be generous with contractual sick pay.
- Confirm to employees what will happen if they need to [self-isolate](#) for any reason, including, for example, a sudden quarantine imposed upon their return from their holiday destination. Be clear about what sick pay arrangements will apply. The government's new measures mean employees who have coronavirus or who cannot work because they are self-isolating are entitled to Statutory Sick Pay (SSP) from day one. This includes individuals who may be a carrier of COVID-19 who may not have symptoms and will also apply to people caring for those in the same household or contacts who have been told to self-isolate. Refer to [our factsheet](#) or [FAQs](#) for more on this.
- Update employees with any changes to your processes around reporting absence, medical certificates and fit notes. Government advice is to show discretion in asking for written medical evidence. Employees can now apply for an isolation note through a new online service. More information is available on the [government website](#).

### Annual leave and pay

- Review your policy around annual leave and make clear to employees what will happen if they need to cancel their holiday. The policy should also make clear what will happen if employees decide to travel abroad and have to isolate for 14 days

upon their return.

- Encourage people to still use any leave they have booked even if travel is not possible; it's important to take time away from work especially if they are now working from home.
- To prevent workers losing their holiday and to enable key workers to keep working the normal rules on carrying over annual leave have been modified. Amendments to the Working Time Regulations 1998 mean that all employees (and some workers who do not have employee status such as agency workers, and some casual and zero-hours contract workers) who have not taken all of their statutory annual leave entitlement by the end of 2020 due to COVID-19 have a new legal right be able to carry it over into the next two leave years.
- Employers can now allow up to four weeks (not the full 28 days) of unused leave to be carried into the next two leave years. The rules say that if it is 'not reasonably practicable' for the worker to take some, or all, of the holiday to which they are entitled due to the coronavirus they can carry four weeks forward for two years. The remaining 1.6 weeks of holiday can be carried forward by one year by agreement.
- The normal obligations to ensure workers take their statutory entitlement in one year or incur a financial penalty are also lifted.

## Remote working

- You should support employees in working from home wherever possible. Use the [homeworking questionnaire](#) and the CIPD's [series of remote working tips](#), and the [webinar on looking after your remote teams](#) to help you support your workforce.
- Review health and safety arrangements for any obstacles to remote working and work to remove these.
- Consider whether you need to make adjustments for any employees with protected characteristics.
- Invest in technology to facilitate remote working or look into free tools for video conferencing.
- Be sure that you plan remote working options for all staff groups. Try to plan alternative work where remote working isn't possible.
- Where remote working isn't possible, consider all possible measures for minimising

contact in the workplace and all other virus control measures.

- Careful planning is needed, along with trust, good comms and people management.

### **Staff mental health and well-being**

- Be aware that some employees, understandably, may be very worried about catching the virus, while others will have concerns about their family or friends. Listen to people's concerns and reassure them that any measures taken are to protect people and there is no need to panic. Communicate regularly with the workforce and ensure that line managers are regularly informed about the organisation's contingency plans so that they can also provide guidance to reassure people.
- Signpost employees to further advice or support, such as employee assistance programmes and any other well-being resources you have available. Consider providing counselling for those employees who are particularly anxious.
- Keep checking in on people's workloads and stress levels and offer support where possible. If you can, adjust targets for employees who remain working and be flexible with deadlines. The [webinar on health and well-being](#) has advice on looking after staff health, safety and well-being.
- If a large number of employees are unable to work, for example in the event of a local outbreak, this could lead to other employees working longer hours. In this case you need to ensure you still comply with the [Working Time Regulations 1998](#) around appropriate length of weekly and daily working hours, night shifts and rest breaks.

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## **Planning your long-term response: specific groups of employees and business areas to consider**

Employers and people professionals will need to consider their long-term plans for business continuity which may entail working from home for a longer time period. This will include looking at specific groups of employees, areas of the business and perhaps changing business practices.

### **Carers**

- COVID-19 will have impacted carers, potentially making an already stressful role even more demanding. Employers should look to be as supportive and flexible of working carers as possible, be aware of their concerns. Carers UK and Carers Trust have

developed some [helpful advice for carers](#) in relation to COVID-19 that you may wish to share with working carers.

- Employers can also access [advice for employers](#) from Carers UK and Carers Trust.
- The government has confirmed that employees or workers caring for an elderly or sick relative with coronavirus are entitled to Statutory Sick Pay (SSP) (as this includes individuals who may be a carrier of COVID-19 and who may not yet have symptoms).
- Employers should look to support homeworking where possible. Carers for relatives at home could use the statutory right to request flexible working. The other main right for employees with caring responsibilities with an emergency or unexpected problem is emergency dependant leave which enables a short unpaid period off for example to look after ill relatives. This would cover making arrangements to care for the dependant, including an adult family member who is ill with coronavirus.
- When using emergency dependant leave employees must inform employers as soon as reasonably practicable of the reason for their required absence and how long they expect to be absent. This type of unpaid leave is intended for short periods. The employee will only have the right to be paid if their contract of employment provides for pay.
- Business productivity and profit will be an issue for many employers; larger businesses might have the infrastructure and funds to cope with long-term remote working in relation to employee absences due to caring for a relative, school closures etc, but smaller businesses may not be able to survive and paying all staff if there is reduced productivity. In this situation it may be necessary to consider alternatives such as furlough, short term working, lay-offs and as a last resort redundancies (see below).
- Other longer-term arrangements include working from home or adjusted hours. Employers are under no obligation to allow staff with caring responsibilities to work flexibly but in the current situation this may help keep employees working whilst managing their caring responsibilities.
- Those with caring responsibilities at home, especially for adults or children with extra care needs, will already have had a carer's assessment from the local authority to check the extent of help available (if any) either for the carer or the person they care for. Some local authorities may have an emergency plan in place.
- Professional care workers will obviously follow stringent infection control measures. Individual carers and agencies will also need to undertake risk assessments and try



and put contingency plans in place if any of their staff are exposed to, or show symptoms of, the coronavirus. Individual carers who have to temporarily suspend their care duties, may need to involve other care workers or an agency as part of their contingency plan or make cover arrangements with the person's trusted family, neighbours or friends.

## Employees who have been shielding

- Clinically extremely vulnerable workers and those with caring responsibilities should be prioritised to remain at home.
- Shielding ended for clinically extremely vulnerable people in England, Scotland and Northern Ireland from 31 July, and ended in Wales from 16 August. The updated UK government advice for these clinically extremely vulnerable people is that they can return to the workplace as long as it is COVID-secure, but should carry on working from home wherever possible. Employers should ensure they stay in touch with these employees.
- When it comes to planning a return to work for employees who were shielding (or those who live with people who were shielding) employers should consider the extra protections these employees are afforded and work with them to mutually agree a plan that prioritises well-being. You can refer to our [guide on shielding](#) or the latest [government advice on shielding](#).

## Working parents

- Schools in England, Wales and Northern Ireland reopened from September after being closed for some year groups since March (except for the children of [key workers](#)). Scottish schools returned in August. The main rights for employees during sudden school closures are emergency dependant leave and unpaid parental leave. Emergency dependant leave covers initial sudden school closures and other unexpected disruptions to the arrangements to care for the child.
- Dependant leave is only for putting arrangements in place and is not sufficient to deal with long periods of school closures. Employers should keep up to date with the [latest information](#) and consider how a sudden school closure would affect their employees with school-age children.
- Other rights which may be relevant include the right to unpaid time off to look after a child up to their 18th birthday known as unpaid parental leave.
- Whilst parental leave is normally to spend more time with children or look after

them during school holidays it may also be an option during school closures.

- Each parent can take up to 18 weeks for each child in blocks of a week at a time with a maximum of 4 weeks a year for each child.
- The normal rules state that if a child has a disability parental leave can be taken more flexibly if there is disability living allowance or personal independence payment for the child.
- Only employees (not workers) are entitled to unpaid parental leave provided that they have worked for the employer for a year or more and have parental responsibility for the child. This includes step-parents who have parental responsibility.
- Normally employees must ask the employer 21 days before parental leave starts but employers could waive this notice requirement.
- Employees who are staying at home to look after young children can also be included in the furlough scheme (see below).
- In these unprecedented times employers should do everything they can to support employees in working from home whilst caring for children and should offer as much flexibility and understanding as possible. See the [FAQs](#) for more information.

### **Atypical/gig/self-employed workers**

- The legal status of atypical and gig workers is not always clear. There have been many highly publicised cases addressing the extent of rights for workers such as Uber drivers or couriers. Some atypical or gig economy workers could potentially be employees, workers or self-employed. Their status may not have been called into question until considering their rights following the coronavirus outbreak.
- Whilst employees who self-isolate can access statutory sick pay (SSP) from the first day they are off this only applies to some atypical or gig-economy workers and many will not be eligible.
- Self-employed people who have to self-isolate, have limited protections as they are not eligible for statutory sick pay (SSP) although some may have been entitled to support under the [Self-Employment Income Support Scheme](#). The precise legal rights of atypical and gig economy workers will depend upon their status, any contractual sick pay and overall terms of the agreement.

- As always, these workers' precise legal rights will depend upon both how the arrangement operates in practice as well as the terms of the contractual documentation. Some atypical workers may in fact be protected as employees.
- Some organisations using atypical or gig economy workers may decide to offer full or partial sick pay or goodwill cancellation payments even though they are not obliged to do so.
- Some atypical workers may have provision for payment in the event of cancellation. A goodwill, expenses or an assistance or inconvenience payment following coronavirus closures may have long term benefits of a harmonious, incentivised and engaged pool of workers.
- Since March 2020 budget that the self-employed (including some atypical and gig economy workers) have been able to claim employment support allowance from the first day of their isolation or illness rather than day eight. However, it is only paid to those who are too sick to work and who meet certain conditions. Those who are likely to benefit are fairly limited. The benefit is worth £73.10 a week, or £57.90 for the under-25s. Information on other business support schemes is available on the [government website](#).
- The government also temporarily changed universal credit so that the minimum income 'floor' of how much the self-employed person would normally expect to earn in a month, is ignored when calculating entitlement to universal credit. This means some individuals will be able to claim over the telephone or online for time they spend off work due to sickness.

### **Coronavirus Job Retention Scheme and furlough**

- The Government's range of measures to support businesses during this uncertain time includes the Coronavirus Job Retention Scheme; under this scheme all UK employers could access support to continue paying part of furloughed employees' salary. Many businesses that operate a UK payroll were eligible.
- First, they had to designate affected employees as 'furloughed workers,' and agree the terms of this change with the employees in writing – changing the status of employees remains subject to existing employment law and, depending on the employment contract, may be subject to negotiation. Identifying employees as 'furloughed workers' means they will be kept on the payroll without working. Furloughed workers either will not be working at all or, after 1 July, they may be on a

flexible furlough arrangement which can combine reduced working time with partial furlough leave.

- Businesses must submit information to HMRC about the employees that have been furloughed and their earnings. Information on [calculating the 80% of employees' wages](#) and [step by step guidance](#) on using the application system are available on the Government website (the 80% furlough grant subject to a maximum cap reduced to a 70% and 60% grant in September and October respectively).
- Furloughed staff can work part time for their employer between 1 July and the closure of the scheme on 31 October. Furloughed staff usually return to their job afterwards (unless redundancies follow).
- More information on the scheme is available in the [CIPD's furlough guide](#) and on [business support website](#). Specific questions are addressed in our [coronavirus FAQs](#).

## Short-time and lay-off working

- If your business is severely affected by the Coronavirus (COVID-19) situation you may need to look at introducing temporary measures in order to protect the workforce and the business.
- These measures include moving to short time working by agreement with the employees (where employees work less than their regular contractual hours, for example a three-day week). During the extended furlough scheme (applicable from 1 July) the furlough scheme becomes more flexible, the employers of previously furloughed staff can agree any amount of working time in any shift pattern until 31 October when the scheme will finally close.
- After the scheme ends employers can still send employees home but on full pay because work is not available. Employers generally cannot refuse to pay them.
- If the situation continues employers can also consider lay-offs (where an employer asks employees to stay at home and not attend work or be paid for a temporary period).
- Laying off employees can generally only be done if an appropriate clause was incorporated into employees' contracts. Temporary lay offs due to a shortage historically occurs in the manufacturing sector. Any other sector which does not have this contractual right will face claims for breach of contract, unlawful deductions and constructive unfair dismissal if there is any attempt to impose lay-

offs without consent.

- In some cases a subsequent agreement authorising lay-offs may be concluded between the employer and employees or any recognised union. Employees may agree to temporary lay-offs, or a period of unpaid leave, if they appreciate the difficulty faced by the business and feel the alternative would be the risk of redundancy dismissals.
- The main qualifying conditions for the statutory guarantee payment are that an employee must: be laid off for at least one full working day; have been employed continuously for at least one month, including part-time employees; have an employment contract for more than three months; Be available for work; not refuse any reasonable alternative work, including work that isn't in their contract; not have been laid off because of industrial action.
- Employees who meet these criteria will be entitled to a small fixed statutory guarantee payment of up to £29 per day. This is limited to five days in any three-month period to partially compensate them for the reduction in salary. The right to this payment applies only to employees, not to contract or agency workers, or the self-employed.
- Employees who are affected for four or more consecutive weeks may be entitled to redundancy pay. The employees must resign with written notice of their intention to claim this. Employers can avoid redundancies if they guarantee employees 13 consecutive weeks of work within four weeks of receiving the employee's notice.
- Be aware that these are relatively rarely used legal provisions and can only be implemented if there are express, correctly drafted clauses in their contracts. However, in these uncertain times such measures are worth investigating.
- In rare cases there may be an ability for an employer to lay off which is implied because there is evidence that such a right has been established over a long period by custom and practice.

## Redundancy

- Unfortunately, the coronavirus (COVID-19) situation may lead to some businesses being forced to reduce the size of their workforce to survive (even with support measures like the [Coronavirus Job Retention Scheme](#) and the grant scheme of £1,000 for each furloughed employee a business takes back). Several sectors have been massively vulnerable to the outbreak. Businesses should explore all options including the new cash grants and [business rate holidays](#) for some businesses (in

England only) before proceeding to redundancies.

- The normal legal provisions apply which mean that employers are required to take steps to avoid compulsory redundancies (see below).
- Redundancy is a special form of dismissal which happens in three situations: when an employer expects a reduction in the need for employees to carry out work of a particular kind, or the employer intends to cease, continuing the business at a particular workplace and the actual or intended closure of the whole business, as may occur in the coronavirus (COVID-19) situation.
- Employers will have to follow a correct fair procedure. This includes following the organisation's own procedure (if any) and the following stages including making a statutory redundancy payment, and a notice period payment.
- The exact redundancy procedure varies but employers who feel that the coronavirus makes redundancies inevitable may already have started the planning stage including consultation and consideration of alternatives. The following stages are usually then involved: identifying the pool for selection; seeking volunteers; consulting employees individually and collectively; information to provide to the representatives; scoring matrix; selection; individual meetings; appeals; confirming redundancies; notification to the DTI; suitable alternative employment; time off for interviews. redundancy payment; counselling and support.

## **Avoiding redundancies**

- The steps employers can take to avoid compulsory redundancies include furloughing staff, seeking applicants for voluntary redundancy or early retirement, encouraging existing staff to work flexibly on reduced hours by agreement, freezing or restricting recruitment, reducing or banning overtime, reallocation of existing employees to any parts of the business which are less affected by the virus.
- Other possible steps include short-time working or temporary lay-offs (see above), reduction in use of self-employed contractors, freelancers and casual workers and pay freezes. It may also be possible to offer early retirement to volunteers (subject to complying with age discrimination provisions).
- It is a difficult time to take sabbaticals and secondments but those and any form of unpaid or reduced pay leave are alternatives. Other possible schemes include paying employees a reduced allowance whilst they do not work for their employer for a specified period and are free to seek work elsewhere. Other possibilities include executive pay cuts.

- If employees agree to reduce their working hours for a defined temporary period, the employer should confirm the exact hours to be worked, the start date of the varied arrangement, when the employee will return to their previous working hours and details of how pay will be affected.
- For more information on redundancy refer to the [redundancy during coronavirus guide](#) or visit the [CIPD topic page](#). CIPD members can also call the employment law helpline on 03330 431 217.

## Insolvency

- Unfortunately, the Coronavirus (COVID-19) situation may also lead to some businesses becoming insolvent or being forced to cease trading.
- The two main types of insolvency are liquidation and bankruptcy.
- Liquidation is where a company either cannot meet its liabilities as they fall due and or where the value of company liabilities exceeds its assets. Insolvent limited companies and limited liability partnerships follow a liquidation process to realise the company assets and selling them to pay back creditors. This is a similar procedure to bankruptcy but relates to companies rather than individuals. Following the liquidation, the company is dissolved, and records struck off at Companies House. Thereafter the company will cease to exist.
- The liquidation process can be started by the company's directors or creditors who are owed a minimum of £750. A licensed insolvency practitioner acts as liquidator and turns all assets into cash and distributes any proceeds amongst creditors.
- Solvent companies can also be liquidated using a process known as a member's voluntary liquidation.
- Bankruptcy only relates to individuals and not limited companies. A downturn in business caused by the coronavirus may lead to bankruptcy where the individual cannot meet their outgoings and commitments. An individual can become bankrupt as a result of being a member of a partnership which has hit financial problems or a sole trader where trade has ground to a halt.
- The bankruptcy process can be started by the individual or by a creditor who is owed at least £5,000. The debtor can have a fresh start following the bankruptcy, but major assets such as a car or house may need to be sold. Bankruptcy generally only lasts for a year but will affect an individual's credit rating for six years.

## Bereavement leave/pay

- Even though the mortality rate of Coronavirus (COVID-19) remains low the harsh reality is that employees may face the loss of a friend or family member and you may even lose an employee.
  - To prepare for this eventuality review your bereavement policy (if you have one) and assess if you can be more generous. Be as flexible as you can about leave and pay.
  - There is no legal right to bereavement leave but in this unprecedented situation employers should be as compassionate and supportive as possible.
  - Offer support to employees, share details of any employee assistance programmes and be prepared to listen to concerns.
  - Refer to our [guide on compassionate bereavement support](#) for more information.
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## Risks to consider

Throughout your organisation's response to the COVID-19 global health emergency there will be people management risks that you will need to be aware of and take steps to address.

## Business continuity and pressure on remaining staff

- The outbreak of the virus is very likely to affect employees in your organisation in different ways. It will disproportionately affect some people, for example if there is a local lockdown and schools are closed, parents will need to keep children at home. Some employees may need to keep working while others self-isolate or stop working, and so think about how you can prevent perceptions of unfairness creeping in and keep everyone on board in these exceptional times. Our [workforce planner](#) can help you navigate the complex workforce planning decisions you'll need to make in the event of a reduced workforce need during this pandemic.
- If workers are asked to work extra hours to cover for absent staff, make sure you comply with your obligations under the Working Time Regulations.
- Regularly communicate how much you value everyone's contribution. If some people are taking on additional responsibilities to bridge gaps, make sure they feel appreciated and this is for a relatively short time. Emphasise that you can only succeed as an organisation and protect your people and the business if you all pull together. For more information see our [tips for communicating with employees](#)



during COVID-19.

- Make sure that you are not putting unacceptable levels of demands on people and that they have the support and resources in place to fulfil their tasks, particularly any additional duties.
- Line managers should be trained and confident to spot any early warning signs of people experiencing stress; make sure they have regular catch ups with people (by telephone or using video conferencing technology if working from home) to ensure they are coping with any extra demands or workloads.
- Provide clear signposting to any internal and external support for people, such as counselling and an employee assistance programme.

### **Direct and indirect discrimination**

- Despite the unprecedented nature of this situation, employers still have to remain aware of potential direct and indirect discrimination.
- One aspect of discrimination which employers could be exposed to is liability for harassment by one employee to another. Employers must take reasonable steps to prevent harassment and tackle inappropriate behaviour and prejudice being shown towards those of Chinese or Italian origins with completely inappropriate misplaced blame for the outbreak.
- Another potential discrimination risk could arise from refusal of requests for flexible, home or part time working in the event of school closures where women could be disproportionately affected leading to sex discrimination claims.
- There is also a risk of disability discrimination claims if, for example, a refusal to permit staff to continue working at home disproportionately affects a certain group for example those with anxiety, asthma or those who have compromised immunity.
- The World Health Organisation (WHO) has advised that those who have an underlying conditions including heart disease, respiratory conditions and diabetes, have a higher risk of developing a severe illness from the virus. Therefore, employers should carefully consider these employees in the light of the obligation to make reasonable adjustments to the employee's working arrangements and provide a safe working arrangement. The same goes for older workers as according to the WHO employees aged over 60, have a greater vulnerability.
- Where there are genuine concerns for any reason including age, infirmity,

susceptibility and anxiety the employer must try to resolve these concerns by, for example, offering flexible working, or taking a period of paid leave.

## Domestic abuse

- Amongst other health, well-being and safety concerns relating to the impact of COVID-19, the National Domestic Abuse helpline, run by charity Refuge, has reported a 25% increase in calls and online requests for help since the lockdown. The charity has also said pressure on other services and awareness campaigns could have also contributed to the increase.
- It's vital that employers, and in particular HR and line managers, know how to respond when they suspect someone may need help or discloses that they are experiencing domestic abuse.
- Read the [CIPD's blog](#) for advice on how employers can support those at risk and for sources of further information and support.

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