

# Latest Practical Guidance for UK employers amidst the COVID-19 outbreak

17 March 2020

## Latest guidance for those experiencing symptoms or living with someone who is

As of 16 March 2020, UK government [guidance](#) is to stay at home for 7 days if you either: (i) have a high temperature (above 37.3 degrees Celsius or more); or (ii) have a new continuous cough, meaning you have started coughing repeatedly.

If, after 7 days at home, these symptoms are difficult to cope with, are not improving or are getting worse, an employee should, in the first instance, go to <https://111.nhs.uk/covid-19/> and complete an online assessment. This may lead to a recommendation to call NHS 111 for a more in-depth telephone assessment. Depending on the outcome of that further assessment, the employee may be told to go to a specialist testing centre.

Whilst self-isolating at home (including while waiting for the results of any test), employees should aim to remain at least two metres away from others and follow the government's guidance on self-isolation (see [here](#) and [here](#)).

In addition, employees may need to remain at home for 14 days if someone who they live with starts to suffer the above symptoms unless, during that period, they get sick themselves (in which case they should stay at home for 7 days from when their own symptoms start).

## Stopping non-essential contact

The Prime Minister, in his [public address](#) on 16 March 2020, also advised the British public to “stop non-essential contact with others and to stop all unnecessary travel”, saying that “We need people to start working from home where they possibly can”. Social distancing is noted as being particularly important for anyone aged 70 or above, pregnant women, and others with certain underlying health conditions. According to the [guidance](#), these measures will need to be in place for “some weeks”. Further measures are expected in the coming days, including to shield those with the most serious health conditions from social contact for 12 weeks.

We have a COVID-19 Task Force within Cleary Gottlieb that is acting as a repository for practical solutions, best practice and issue-spotting to help our clients by sharing market experience, insight and advice from across our global presence.

If you have any questions concerning this memorandum or COVID-19 more broadly, please reach out to us on [Global-Cleary Covid-19 Taskforce@cgsh.com](mailto:Global-Cleary-Covid-19_Taskforce@cgsh.com) or the following author:

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## 12 things that all UK employers need to do and know now

1. Employers should make sure that their employees are aware of the current government guidance on staying at home and testing (see links and brief summary above).
2. Employers should be actively promoting regular and thorough hand-washing by employees through the display of printed notices (e.g. on internal doors and in workplace kitchens and bathrooms), electronic messages (e.g. on intranet home-pages) and by placing hand sanitizer dispensers and tissues in prominent places around the workplace.
3. Workplaces need to remain especially clean and hygienic. Desks, tables, telephones, keyboards and mice should be disinfected regularly. Employers should encourage employees to dispose of used tissues in closed bins where possible.
4. Business travel, external visitors and large internal meetings (all “non-essential” contact) should be kept to an absolute minimum, with video and teleconferencing taking their place wherever possible.
5. Employers need to be developing and testing their contingency plans, including trialling and implementing remote-working *en masse* wherever possible. Employees should be provided with equipment, training and guidance to facilitate remote-working.
6. Contingency plans also need to cover what to do if someone becomes ill with suspected COVID-19 in the workplace (see further below). These plans should also address the potential mental health consequences for the broader workforce of a case of COVID-19 being confirmed at work.
7. Employees should stay at home if they are feeling at all unwell, showing even mild symptoms of COVID-19, or if they live with someone showing those symptoms (see current UK government guidance above).
8. If an employee becomes ill with suspected COVID-19 in the workplace, to the extent possible they should be temporarily isolated in a separate room, the number of people with whom they have contact should be limited, and the local health authority should be contacted immediately.
9. If an employee tests positive for COVID-19, the Public Health England local health protection team will contact any employers to discuss the situation, carry out a risk assessment including identifying people who have been in contact with the employee, and advise on actions and precautions that need to be taken in the workplace.
10. If an employer sends staff home as a precaution, employees are following the reasonable instruction of their employer and are entitled to continue to receive their normal pay. Remote working (see above) should be actively encouraged if staff are well.
11. If an employee chooses to self-isolate but has not been advised to do so by a medical professional (e.g. NHS 111 or a doctor) or their employer, and they have no symptoms, are not caring for someone with COVID-19 symptoms and do not live with someone showing symptoms, it would be reasonable for their employer to require them to attend work if remote-working is not reasonably possible. However, employers should take employee concerns seriously, especially if there are underlying health conditions, including mental ill-health.
12. All UK employees are entitled to a reasonable amount of time off where necessary to provide assistance to, or to make care arrangements for, an ill dependant, to deal with the unexpected disruption of care arrangements or to deal with an unexpected incident involving their child during school hours, and this regime will cover many circumstances relating to COVID-19. A dependant includes a spouse, civil partner, child, parent, a person who lives in the same household and, in some cases, others who reasonably rely on the employee. Whether or not time off is paid will depend on the wording of the relevant company policy and/or the exercise of employer discretion, as there is no entitlement to pay as a matter of law.

## Update on Statutory Sick Pay

As announced in the UK Budget on 11 March 2020, UK employees are entitled to Statutory Sick Pay (currently paid at a rate of £94.25 per week to eligible employees, for up to 28 weeks in any period of incapacity for work, or in any series of linked periods of incapacity for work) in connection with COVID-19, from the first day of absence, as an enhancement to the usual rule (which provides for payment from the fourth qualifying day in any period of incapacity for work), either when they are sick or they have been advised (e.g. by NHS 111 or a doctor) to self-isolate whether or not they are showing symptoms. Employers with fewer than 250 employees will be able to recover up to two weeks of COVID-19 related Statutory Sick Pay costs per employee. Entitlements to enhanced contractual sick pay will depend on the wording of the relevant company policy and/or the exercise of employer discretion.

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