

UPDATE

COVID-19: key questions for employers

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In this update, we look at the key questions for employers in the Channel Islands to consider in responding to the evolving COVID-19 outbreak. For further information please contact Carla Benest or Rachel Guthrie in our pan-island Employment team, using the details below.

In January 2020, the World Health Organisation (WHO) declared the coronavirus disease known as COVID-19 to be a global health emergency. On 9 and 10 March 2020, Guernsey and Jersey respectively confirmed their first positive cases of COVID-19 in the Channel Islands.

As COVID-19 continues to spread, Channel Islands employers will be assessing how best to respond and plan appropriately to protect their employees as well as their businesses, customers and suppliers. Clear, transparent steps will be needed to cover the current and potential impacts of COVID-19.

We set out below the key questions for employers to consider.

Are we up to date?

Information concerning COVID-19 is constantly changing. Employers should ensure they have a dedicated team in place within the business to keep up to date with these changes and their communication to the wider workforce as appropriate.

The information employers rely on and circulate should come from reliable sources, in particular the Channel Islands governments (the [Government of Jersey](#) and [States of Guernsey](#)), WHO, UK government, and employment advisory organisations such as JACS and its UK counterpart ACAS.

Employers must ensure that staff are kept up to date on relevant updates and changes as well as having specific points of contact for particular queries or concerns.

What should we communicate to the workforce?

Employers should be open and transparent with employees regarding their policies and measures relevant to COVID-19. The content of such measures or policies should be non-discriminatory, and decisions made regarding employees or certain groups within the wider workforce should be consistently applied.

Across the workforce there will be differing levels of concern about the impact of COVID-19, which may stem from a range of personal or family circumstances, responsibilities or arrangements. It is important to ensure these are factored into workforce communications, and to clearly signpost appropriate support.

What health and safety measures should we consider?

Appropriate health and safety measures will vary according to particular work environments. At present, with no vaccination currently available, preventative measures to ensure the spread of infection is the central focus.

In addition to simple adjustments to existing hygiene arrangements (such as the provision of extra cleaning wipes, hand sanitizer and tissues) measures may include enhanced cleaning support for the workplace or sensible limits on travel, direct contact with clients and attendance at large scale events.

In line with public health guidance, employers should have a plan in place for requiring employees to notify and self-isolate if they have returned from an affected country. Risk assessments should be undertaken for individuals who may be vulnerable as a result of underlying health conditions.

What is the impact on business travel and events?

Employers should check travel updates issues by the UK Foreign and Commonwealth Office (FCO) [website](#), and direct employees to do the same. Business travel to areas which the FCO is advising against all but essential travel should be cancelled or postponed. As noted above, it would also be sensible to review whether planned business events can or should now proceed given the importance of minimising potential exposure situations for employees and relevant third parties.

Do we have a plan in place for closure of the workplace or schools?

A contingency plan should be drawn up for the possibility that the workplace needs to temporarily be closed and/or in the event of school closures.

Particular consideration should be given to remote working, and the equipment or systems required for employees to do so. To the extent this is not already a part of contingency planning, it would be prudent to trial remote working to ensure the system in place can operate smoothly to minimise business disruption. Where remote working is not possible, consideration should be given to other resourcing options, such as split shifts or operating with skeleton staff only (assuming these would also be viable).

Employers may also consider exploring flexible working or the option to take paid or unpaid leave if employees are temporarily unable to work.

In any event it will be essential to ensure that all employees can be contacted away from the workplace, and that emergency contact numbers for employees are current so that, as and when necessary, updates can be communicated remotely.

What do we have to pay employees who are away from work due to COVID-19?

In the event that: (1) an employee contracts COVID-19; (2) is medically advised to self-isolate; and/or (3) is required to self-isolate on instruction from their employer, then employers should consider applying or extending their usual sick pay entitlement. The position may be different for travel disruption and/or employees self-isolating out of an abundance of caution.

Employees may also be able to claim social benefits from relevant state departments.

What personal data can be shared regarding employees that have contracted COVID-19?

Personal data relating to health is special category data and should not usually be shared. The relevant information for other employees will usually be the fact of a positive case, not the identity of the individual(s) affected.

Do employees have responsibilities?

Employers should remind staff of the behaviour expected of them, including basic hygiene as a preventative measure, reporting requirements if they are unwell, and notification if they have travelled to affected countries or have been in contact with someone with COVID-19.

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