



# The British Constructional Steelwork Association Limited

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## **ALL MEMBERS MEMORANDUM No 49-20**

### **COVID-19: EMPLOYERS AND EMPLOYEES**

Further to AMM 43-20 and AMM 37-20, BCSA are continuing to advise members on the current situation following the further spread of the coronavirus (COVID-19) in the UK and Ireland.

Irish Government advice can be found [here](#)

The advice below applies to the UK in terms of Sick Pay and reporting symptoms.

#### **Advice for Employers and Employees from ACAS**

Employers should consider some simple steps to help protect the health and safety of staff.

It's good practice for employers to:

- keep everyone updated on actions being taken to reduce risks of exposure in the workplace
- make sure everyone's contact numbers and emergency contact details are up to date
- make sure managers know how to spot symptoms of coronavirus and are clear on any relevant processes, for example sickness reporting and sick pay, and procedures in case someone in the workplace develops the virus
- make sure there are clean places to wash hands with hot water and soap, and encourage everyone to wash their hands regularly
- provide hand sanitiser and tissues for staff, and encourage them to use them
- consider if protective face masks might help for people working in particularly vulnerable situations
- consider if any travel planned is essential

Employers must not single anyone out. For example, they must not treat an employee differently because of their race or ethnicity.

## **Sick pay**

The usual sick leave and pay entitlements of the particular workplace apply if someone has coronavirus.

Employees should let their employer know as soon as possible if they're not able to go to work.

## **Pay if someone has to go into self-isolation**

The government has stated that if NHS 111 or a doctor advises an employee or worker to self-isolate, they should receive any Statutory Sick Pay (SSP) due to them. If the employer offers contractual sick pay, it's good practice to pay this.

The employee must tell their employer as soon as possible if they cannot work. They should tell their employer the reason and how long they're likely to be off for.

The employer might need to be flexible if they require evidence from the employee or worker. For example, someone might not be able to provide a sick note ('fit note') if they've been told to self-isolate for 14 days.

Find out more about:

- [NHS 111](#)
- [self-isolating on GOV.UK](#)

## **If an employee is not sick but the employer tells them not to come to work**

If an employee is not sick but their employer tells them not to come to work, they should get their usual pay. For example, if someone has returned from China, Italy or another heavily affected area and their employer asks them not to come in.

## **If an employee needs time off work to look after someone**

Employees are entitled to time off work to help someone who depends on them (a 'dependant') in an unexpected event or emergency. This would apply to situations to do with coronavirus. For example:

- if they have children they need to look after or arrange childcare for because their school has closed
- to help their child or another dependant if they're sick, or need to go into isolation or hospital

There's no statutory right to pay for this time off, but some employers might offer pay depending on the contract or workplace policy.

The amount of time off an employee takes to look after someone must be reasonable for the situation. For example, they might take 2 days off to start with, and if more time is needed, they can book holiday.

## **If employees do not want to go to work**

Some people might feel they do not want to go to work if they're afraid of catching coronavirus.

An employer should listen to any concerns staff may have.

If there are genuine concerns, the employer must try to resolve them to protect the health and safety of their staff. For example, if possible, the employer could offer flexible working.

If an employee still does not want to go in, they may be able to arrange with their employer to take the time off as holiday or unpaid leave. The employer does not have to agree to this.

If an employee refuses to attend work, it could result in disciplinary action.

## **If someone becomes unwell at work**

If someone becomes unwell in the workplace, they should:

- get at least 2 metres (7 feet) away from other people
- go to a room or area behind a closed door, such as a sick bay or staff office
- avoid touching anything
- cough or sneeze into a tissue and put it in a bin, or if they do not have tissues, cough and sneeze into the crook of their elbow
- use a separate bathroom from others, if possible

The unwell person should use their own mobile phone to call either:

- 111, for NHS advice (but not for any minor symptoms)
- 999, if they're seriously ill or injured or their life is at risk

## **If someone with coronavirus comes to work**

If someone with coronavirus comes to work, the workplace does not necessarily have to close.

The local Public Health England (PHE)/ Health Protection Scotland (HPS) health protection team may get in contact with the employer to:

- discuss the case
- identify people who have been in contact with the affected person
- carry out a risk assessment
- advise on any actions or precautions to take
- the UK government have however advised that they will not now be testing every case

[Find out more about PHE health protection teams on GOV.UK.](#)

Also see:

- [Health Protection Scotland \(HPS\)](#)
- [Welsh Government](#)

### **Working from home**

Where work can be done at home, the employer could:

- ask staff who have work laptops or mobile phones to take them home so they can carry on working
- arrange paperwork tasks that can be done at home for staff who do not work on computers

### **Lay-offs and short-time working**

In some situations, an employer might need to close down their business for a short time. Unless it says in the contract or is agreed otherwise, they still need to pay their employees for this time.

If the employer thinks they'll need to do this, it's important to talk with staff as early as possible and throughout the closure.

[Find out more about lay-offs and short-time working.](#)

### **More about coronavirus**

- [coronavirus on NHS.UK](#)
- [latest coronavirus information and advice on GOV.UK](#)

**DEBORAH HARRISON**

**Legal Manager and Company Secretary**