



Planning to get your workforce working again

(June 2020):

-  **Planning to get your workforce working again**
-  **Top Tips and Considerations**

With the UK government slowly starting to lift some of the lockdown restrictions that have been in place since March 2020 and with more future lifting starting to emerge from the government's "road map" setting out our way out of lockdown, we take a look at some practical tips to consider for getting your workforce back to work.

The government's advice is still to stay at home wherever possible but if you cannot work from home, you are now encouraged to go to work where it is safe to do so. Some sectors have still not been given the green light to open (such as the leisure and hospitality sectors, which are likely to remain closed until at least the beginning of July 2020), but others have been given provisional dates for re-opening to begin (such as primary schools beginning to open for some year groups from 1 June and for non-essential shops to begin opening from the middle of June 2020).

PLAN, PLAN, PLAN and then PLAN some more

Even if you are not yet ready to reopen your workplace fully or if you are still prevented from reopening due to government restrictions, it is still advisable for you to start planning now to get your workplace and workforce ready to return. If you can take some time to fully consider all of the likely implications of what your "new workplace normal" will be when you are ready and able to return, it is likely to be time very well spent.

DON'T RUSH

All businesses will want to get back up and running as soon as they are able to. Many are having a tough time and the majority of those may not have brought in any revenue at all, or at least are likely to have seen a significant downturn in revenue since the lockdown began. This is all completely understandable, but it is not advisable to rush into reopening until you feel that you are fully ready. This is why it is so crucial for you to plan to reopen, before you actually open those doors.

If you think you may wish to buy yourself some more time to plan your reopening, perhaps you could consider whether the business would be more comfortable about opening up some areas of the business sooner than other areas, or perhaps consider the possibility of bringing some staff back in some areas and keeping others on furlough for the short term so that you can test out your "new normal" and see what work and what may not.

THINGS TO CONSIDER DURING YOUR "PLAN" PHASE

So, what does the government say that businesses need to consider and implement to make sure they are "COVID-Secure" before reopening? The government's guidance sets out "5 steps to working safely" which all businesses must follow (and we have commented in red text next to each step to help explain that step where applicable):



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Step 1: Carry out a COVID-19 risk assessment

The government says that before restarting work all businesses should ensure the safety of the workplace by:

- carrying out a risk assessment in line with the Health and Safety Executive ("HSE") Guidance ([which can be found at www.hse.gov.uk/simple-health-safety/risk/index.htm](http://www.hse.gov.uk/simple-health-safety/risk/index.htm));
- consulting with your workers or trade unions – [sharing the findings of your risk assessment with your workforce \(and any relevant trade unions \) and most importantly, asking them for feedback on the initial risk assessment and consider amending accordingly;](#)
- sharing the results of the risk assessment with your workforce and on your website [and take into consideration any collected feedback when putting together your return to work plan off the back of your risk assessment.](#)

Step 2: Develop cleaning, handwashing and hygiene procedures

The government guidance states that you should increase the frequency of handwashing and surface cleaning in the workplace by:

- encouraging people to follow the guidance on hand washing and hygiene ([which can be found at www.nhs.uk/live-well/healthy-body/best-way-to-wash-your-hands](http://www.nhs.uk/live-well/healthy-body/best-way-to-wash-your-hands)). [You should consider printing this guidance or purchasing handwash/hygiene signage and posting up in key areas around the workplace;](#)
- providing hand sanitiser around the workplace, in addition to washrooms;
- frequently cleaning and disinfecting objects and surfaces that are touched regularly – [you will need to carefully think about how you can achieve regular cleaning and disinfecting in each work area and ideally have a risk assessment and plan for each work area;](#)
- enhancing cleaning for busy areas – [again it would be prudent to have a risk assessment and plan for each high use area. It may be, for example, that you decide to close your tea-making areas and ask staff to bring their own drinks to work in their own containers and ban consumption of food on the premises where possible; or that you install a water cooler that is regularly cleaned throughout the day.](#)
- setting clear use and cleaning guidance for toilets – [your risk assessment must cover shared amenities such as toilets. Consider asking small groups of staff to use the same toilets each time and perhaps consider keeping the outside door into the toilets propped open \(if possible\) so that multiple people do not need to touch the outside door to access and leave the toilet area. Think about how often the toilet areas should be cleaned, checked for soap/hand sanitizers etc, by whom and what signage you should have inside the toilets regarding handwashing and hygiene.](#)
- providing hand drying facilities – either paper towels or electrical dryers – [consider signage for any hand towel disposal and how often bins are emptied and by whom and how \(with gloves/masks etc/double bagged etc \).](#)

Step 3: Help people to work from home

The government says you should take all reasonable steps to help people work from home (and that those who can work from home, should work from home) by:

- discussing home working arrangements – [it is always key to good working relationships to speak to employees and discuss your ideas and any concerns with them to try and agree working arrangements together with their individual input. Before agreeing to home working, you should document what has been discussed and agreed and outline details of what home working will look like. You should also ensure that you have each employee's personal contact details \(personal mobile and email address etc, in case you are unable to contact them via your work systems\). Once working from home, you should ensure that you keep in touch with each individual regularly to check in that they are coping well, productive as possible and do not have any worries or concerns;](#)



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- ensuring they have the right equipment, for example remote access to work systems – you should also consider work equipment that the worker may have in the workplace (such as a computer/laptop/printer and any special chairs/desks etc). Special consideration must be given to any employee with any disability to ensure that they can work from home and to avoid allegations of discrimination;
- including them in all necessary communications – people working from home can quickly feel isolated and out of the loop, especially if there are colleagues working back at the workplace. Communication and staying in touch is really important and employees working from home must be kept up to speed with anything that is happening within the company;
- looking after their physical and mental wellbeing – it is every employer's legal responsibility to ensure the health and safety of every worker whilst working and this will include whilst working at home and on furlough leave. This also includes the worker's mental health. As mentioned above, it is really important to stay in touch with those working from home to ensure they are managing well and that they have no concerns. They should also be kept in the loop with everything that is going on within the business (as if they were working in the workplace).

Step 4: Maintain 2 meter social distancing, where possible

The government guidance states where possible, you should maintain 2 metres between people by:

- putting up signs to remind workers and visitors of social distancing guidance;
- avoiding sharing workstations;
- using floor tape or paint to mark areas to help people keep to a 2 meter distance;
- arranging one-way traffic through the workplace if possible;
- switching to seeing visitors by appointment only if possible.

Step 5: Where people cannot be 2m apart, you must manage transmission risk

The government guidance states that where it is not possible for people to be 2 meters apart within the workplace, you should do everything practical to manage the transmission risk by:

- considering whether an activity needs to continue for the business to operate;
- keeping the activity time involved as short as possible;
- using screens or barriers to separate people from each other;
- using back-to-back or side-to-side working whenever possible;
- staggering arrival and departure times;
- reducing the number of people each person has contact with by using 'fixed teams or partnering'.

WORKPLACE INDUSTRY/WORKPLACE-SPECIFIC ADDITIONAL GUIDANCE

In addition to the general guidance for making workplaces "COVID-secure", the government have published additional guidance notes for other specific industries and/or workplaces that are currently permitted to open. Please consider whether the list of workplaces below currently apply to your own workplace and if so, please consider the additional guidance (via the links shown). The government will be adding to this list as other sectors are permitted to open and will provide specific guidance for those additional workplaces.



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- Construction and other outdoor work – guidance for people who work in or run outdoor working environments www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/construction-and-other-outdoor-work
- Factories, plants and warehouses – guidance for people who work in or run factories, plants and warehouses www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/factories-plants-and-warehouses
- Laboratories and research facilities – guidance for people who work in or run indoor laboratories and similar indoor environments www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/labs-and-research-facilities
- Offices and contact centres – guidance for people who work in or run offices, contact centres and similar indoor environments www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres
- Other people's homes – guidance for people working in, visiting or delivering to other people's homes www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes
- Restaurants offering takeaway or delivery - guidance for people who work in or run restaurants offering takeaway or food delivery services www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery
- Shops and branches – guidance for people who work in or run shops, stores, branches or similar environments www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/shops-and-branches
- Vehicles – guidance for people who work in or from vehicles, including couriers, mobile workers, lorry drivers, on-site transit and work vehicles, field forces and similar www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/vehicles

****Update (22nd June 2020)** – since writing this guidance note, the government have changed their website. To access each industry specific guidance note (as set out above), you can still click on the hyperlinks above, or alternatively, you can click on the following new hyperlink <https://www.gov.uk/coronavirus-business-reopening> and follow the prompts (which includes a tick box list relating to the various industry guidance notes and is more simple to follow than previously set out on the site).

DISPLAYING YOUR COVID19-SECURE POSTER IN YOUR WORKPLACE

Once you have carried out all of your planning, consulted with your workforce and have your agreed risk assessments in place and once you have carried out all of the tasks required under both the governments "5 steps to working safely" guidance and any additional specific government guidance for your industry/workplace, you will need to display your COVID19-secure poster (either in prominent places at your workplace – such as the entrance(s) for staff and/or visitors or if you do not have a physical workplace (for example if you are a tradesperson working in private homes), provide the poster to your customers/clients directly).

A free copy of your COVID19-secure workplace poster can be downloaded here:

<https://assets.publishing.service.gov.uk/media/5eb967e286650c2791ec7100/working-safely-during-covid-19-other-peoples-homes-240520.pdf>



STAY UP TO DATE WITH LATEST DEVELOPMENTS AND CHANGES AS THEY HAPPEN

Over the next few weeks we will be issuing a series of complementary factsheets and updates highlighting topical issues and setting out practical steps to help businesses get back to working in the "new normal".

If you would like to receive future factsheets and updates direct to your inbox, please drop us a line at janesmith@moore-law.co.uk and we would be happy to send these to you.

Please also follow our employment lawyer [Jane Smith](#) on LinkedIn to see real time posts covering latest developments.



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