

Health and safety obligations for employers related to Covid-19

As an employer you have a duty of care to your employees and should continue to take all reasonably practicable steps to ensure their health, safety and wellbeing. This applies whether they are working from your premises or elsewhere.

At a time of global distress and uncertainty, demonstrating concern for the physical, emotional and psychological health of your staff is not just about complying with your legal requirements – it makes good business sense too. Showing that you care for your employees will build trust, reinforce your commitment to them, and maintain engagement, morale and productivity. It will also help ensure you have a committed workforce once the current economic challenges and constraints of the pandemic are over.

PRACTICAL STEPS

- Stay up to date, and comply with, the government's guidelines and advice on the pandemic.
- Be aware that the government has issued specific guidelines in relation to certain sectors.
- Ensure all staff are aware of NHS guidelines on maintaining good health, including hygiene, social distancing and remote working.
- Wherever possible, take all steps to ensure that you and your staff observe published guidelines.
- Review hygiene provisions in your workplace and provide adequate facilities to ensure staff are able to comply with the guidance on handwashing and sanitising and increase the regularity with which you clean all parts of your facilities.
- Consider the health and safety risks posed to employees travelling in and out of work and options which might be available to minimise that risk.
- Ensure that you have a reliable system for communicating with your employees about up to date guidance and advice. This might be a good time to ensure that you have current contact information for all your staff, bearing in mind your data protection obligations.
- Review and revise your health and safety and other policies to ensure they are up to date and relevant in the circumstances and ensure that they are provided to all staff.
- Enable and monitor dispersed working by providing adequate support to staff both on work related matters, technology and other relevant issues.

- Perform audits and remote checks on dispersed working environments to identify hazards and assess the risks of your dispersed work force, and determine what, if any, measures need to be put in place.
- Continue to be especially considerate of employees who are more vulnerable, such as those with pre-existing conditions that make them more at risk, and elderly, disabled and pregnant employees.

TRAVEL AND COMMUTING

- Employee safety should be a priority, including safe commuting to work, business travel carried out in the course of work, or access to employers' premises. This should be monitored on an ongoing basis during the pandemic, and any recommendations should be clearly and promptly communicated to the affected employees.
- Employees concerned about travelling to and from work or being in the workplace due to health and safety concerns should be handled respectfully. An employer's response to such concerns will be subject to its obligations to protect the employee's health and safety.
- Employers should consider alternatives which will support employee concerns, health and safety obligations, and which comply with government and NHS guidance.
- Travel to high-risk areas (particularly where advice against this travel has been published), should be carefully considered. If this is unavoidable, the business must:
 - > confirm travel insurance will provide cover for medical repatriation
 - > confirm appropriate and suitable local care is available; and
 - > consider specialist travel protection.

WHEN EMPLOYEES SHOULD NOT COME INTO THE WORKPLACE

- Subject to complying with mandatory stay at home orders, employers should insist that those who are unwell stay away from work.
- Ensure that your sickness policy is up to date and communicated to staff and inform them of what steps you are taking to ensure that the workplace remains safe to staff.

HEALTH AND SAFETY FOR A DISPERSED WORKFORCE

Employers are responsible for the health and safety of all their employees, including those who are working from home. In the current pandemic, these are some practical considerations for employers to consider:

- Review the health and safety of employees' home working environments. For example, have home working employees undertake an online workplace risk assessment.
- Ensure that your dispersed work force complies with your health and safety policy.
- Remind staff of their maximum weekly working hours and their responsibility to regulate their working time and breaks. Ensure that all your staff observe and respect boundaries around the working day.
- Be mindful of your obligation to make reasonable adjustments for disabled and pregnant employees, which might include being flexible with how and when they perform their duties as well as regarding equipment required to do so.
- Ensure you are mindful of employees' particular concerns and stresses of working from home.
- Implement regular meaningful communication and contact with your staff to safeguard their psychological and emotional wellbeing, and provide opportunity for your workforce to voice particular concerns and issues that arise in the new dispersed working environment.
- Provide a confidential forum or mechanism for staff to raise personal concerns and fears, including health and safety concerns, financial pressures, or health, stress, emotional or psychological concerns.

HOW CONEXUS LAW CAN HELP

Businesses and individuals will need legal advice to help them understand the risks they may face and the options that may be open to them.

We are available to assist in reviewing the laws in many jurisdictions across the world, and to review specific contracts. We are also available to provide practical, business-orientated advice on how to best protect yourself from the ongoing commercial effects of Covid-19.

Contact

For more information or an informal chat please contact us;

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ABOUT CONEXUS LAW

Conexus Law is an independent specialist law firm providing legal and commercial advice to clients who work in sectors where the built environment, technology, engineering and people converge. We work on projects across the globe.

Built environment

We work on complex or mission-critical projects, where the “normal rules” may not apply. These projects might present complex procurement challenges, might be one-of-a-kind, or might relate to the construction of mission critical facilities where the risks of project failure far outweigh the initial capital outlay.

Connected world

This is where the built environment and the digital and virtual worlds operate and converge. Our work relates to projects such as data centres and other digital infrastructure, cloud deployment, smart cities, internet of things, blockchain and the like.

Cutting edge

Our clients in this sector are visionaries and entrepreneurs; autonomous cars, drone technology, artificial intelligence, new energy, big data and virtual reality. Clients might be early stage companies looking to move from proof of concept to early deployment, or the innovation teams of more established players.