

# Coronavirus (COVID-19)

## Considerations for employers in the Channel Islands

With a host of good advice available on hygiene practices and travelling to affected areas, we take a look at some of the issues you might not have considered yet.

### Sickness pay and procedures

If an employee has coronavirus (COVID-19), your usual sick leave and pay entitlement will apply. If an employee has been medically advised to self-isolate, you are not required to provide sick leave or pay but it would be good practice, otherwise you risk the employee coming to work. Consider temporarily varying your contracts, policies and handbook to allow flexibility in the timescales for providing a medical certificate if an employee has been medically advised to self-isolate for 14 days. Variation can be done informally eg by email.

### Data protection

Personal data concerning health is 'special category data'. If an employee has coronavirus (COVID-19), you can let other employees know that there has been a confirmed case within the business but you must not include any details about the individual who is absent without their express consent.

### Employees who are not able to work

Offer flexible working or remote working if you can, or consider allowing employees to request paid holidays or unpaid leave. Review your policy on time off for emergencies as employees may request unpaid time off to look after a child or dependant who is sick/in isolation, or if a child's school has closed.

### Ask staff the right questions

Consider inviting employees to advise you – not only if they develop symptoms or if they have travelled (or plan to travel) to affected areas – but also if they have had contact with anyone (eg a family member) who has symptoms, or has travelled to an affected area.

### Existing medical conditions

Identify staff who may be particularly at risk if there is an outbreak locally (eg pregnant women, or those with impaired immunity). Employees must voluntarily consent to providing this information and data protection principles will apply.

### Remote working

With increasing numbers of employees likely to be working remotely, remind employees of your internet security, confidentiality and data protection policies when they are working outside of the office.

### Availability of staff

With potentially increasing numbers of employees who are sick or self-isolating, review your contracts, policies and handbook on normal working hours, shift-work, overtime and rotas.

### Think ahead

Plan for the medium-term and longer term. Review your operational plans and any contracts to ensure that your critical business activities can continue, eg whether your systems and employees could operate flexibly if there are travel or other business restrictions.

### Staff working hours

If you have suffered a downturn in work or your business is required to close, staff could be 'laid off' temporarily without pay, but only if you have an express contractual right to do so.

### Discrimination

As a matter of national and international concern, coronavirus (COVID-19) has reportedly given rise to increased racism and prejudice towards certain nationalities. Ensure that your employees are aware of your policy on discrimination and harassment, both in relation to colleagues and your customers. You will be liable for the actions of your employees unless you have taken reasonable steps to prevent the conduct.

