



# MANAGING CORONAVIRUS ISSUES AT WORK Q&A

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## **Can I cancel an employee's annual leave if I know they are going to a severely affected area?**

The law allows you to cancel annual leave that has already been authorised as long as you give the minimum required notice but you should proceed with caution here, which is the same length of time as the period of leave to be cancelled. Cancelling leave which has already been authorised, in any situation, is not likely to go down well with the employee and will often lead to a loss of money for them. If you proceed with cancellation, consider offering compensation for the employee's financial loss.

## **Do I have to allow employees to cancel their booked period of annual leave if they cannot travel abroad as planned?**

No, there is no requirement for you to do this. If you have specific rules on allowing employees to cancel their leave, you should stick to these but, in the circumstances, you may decide to be more flexible and allow cancellation.

## **As a deterrent to travel, can I deduct pay from employees who insist on going to a severely affected area on annual leave?**

It is highly likely that applying this type of penalty deduction will be deemed an unlawful deduction from wages and so it is not advisable to proceed in this way.

## **I have an employee who was in China on holiday and now can't get home because their flight has been cancelled. What should I do?**

You can expect that the employee will try to identify other methods of getting back home. If, for whatever reason, they cannot travel back, there are several ways in which you can deal with this:

- use their annual leave to cover the absence. The length of their absence and their remaining entitlement to annual

leave will dictate the extent to which you can do this. Using annual leave like this will have to be agreed with the employee unless you take the step of enforcing annual leave on the employee, meaning you need to give them notice that you require them to take annual leave that is twice as long as the time you require them to take. For example, a week's enforced leave will require two weeks' notice. The uncertainty around the length of their absence may make this tricky;

- agree for the employee to work from China if the nature of their job allows for this and they have the equipment they need to fulfil their duties. The employee cannot insist that they work from China if it is clearly not tenable;
- agree that the employee uses banked time off in lieu. It is not likely that the employee would have enough lieu time to cover an extended absence;
- agree a period of paid leave that is not annual leave;
- agree a period of unpaid leave;
- agree any other type of leave permitted by the contract that may be appropriate.

A mixture of the above can be used to cover an extended absence.

## **We are due to have visitors to our London office from our China office next month. Should we postpone the visit?**

Provided there are no travel restrictions preventing the visitors entering the UK which will take the matters out of your control, it's up to you whether to postpone the visit. Your employees may raise concerns about potential exposure to the virus and you may wish to take this into consideration, though any unreasonable resistance should be dealt with accordingly. If you decide the visit should go ahead, ensure there are



robust hygiene measures in place, restrict contact between your employees and the visitors as much as reasonably possible and take more care with any of your employees who are older, pregnant, have existing respiratory conditions or those who have diabetes, chronic lung disease or cancer.

**One of my employees has recently come back from Japan and told me that they were informed during the flight that there was a suspected case of Coronavirus on the aeroplane. What should I do?**

It is best to take precautionary measures seeing as your employee has potentially been in contact with someone who has the virus. A period of suspension on health and safety grounds (paid unless the contract says otherwise) is advisable.

**My employee has told me they have family due to visit from China next month. I am worried that their risk of infection will increase. What can I do?**

Provided there are no travel restrictions in place preventing the visit, there is little you can do to stop this happening. Ensure the employee knows what to do if they begin to feel ill during or after the visit. Suspension of the employee would probably not be appropriate in this scenario unless you know or suspect that one of the family members has the virus but this will be your decision.

**We regularly receive packages that have been sent from China. The staff in my post room are concerned about exposure to the virus and are refusing to touch them. What can I do?**

There is currently no evidence that Coronavirus can be carried in packages that have originated in China and so no grounds for your employees to refuse to deal with any that are received. To allay their fears, you could consider providing gloves which will be thrown away after each use, and encouraging good hand hygiene.

**The business next to mine has sent all of its employees home because of Coronavirus. Should I do the same?**

This really is a question only you can answer. If you can get more information from the business next door as to why they took this measure, this may help you understand the level of risk of exposure to your employees if they continue working. If feasible, consider whether your employees can work from home so that operations are maintained.

**One of my employees has contracted the virus. Do I just pay sick pay as normal?**

The Government intends to relax the rules on statutory sick pay for employees who have Coronavirus, though the start date for this change has not been announced. This means you will have to pay SSP from the 1<sup>st</sup> day of sickness absence, rather than the 4<sup>th</sup> day as you would normally have done. Remember that there are other qualifying criteria for SSP too, including the need to earn at least a minimum amount per week, which is currently £118 but will increase to £120 from April 2020. If your contracts include a provision for enhanced sick pay, you should apply the scheme as you normally would.