



## Coronavirus Disease (Covid-19) Frequently Asked Questions for Northern Ireland Employers

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With the changing nature of the COVID-19 outbreak, information and advice from Government can change quickly. For all the latest Government information on COVID-19 and the measures the Government, and Devolved Governments, are taking, please visit the UK Government website and the Northern Irish Government website.

UK: <https://www.gov.uk/government/topical-events/coronavirus-covid-19-uk-government-response>  
NI: <https://www.health-ni.gov.uk/news/latest-update-coronavirus-covid-19-3>

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### Q1: What are the symptoms of Covid-19?

**A:** The most common symptoms of Covid-19 are recent onset of new continuous cough and/or high temperature (fever). For most people, Covid-19 will be a mild illness.

### Q2: What treatment is there for Covid-19?

**A:** There is currently no specific treatment for Covid-19. It will take pharmaceutical companies between 12-18 months to produce a vaccine. Antibiotics do not help, as they do not work against viruses.

### Q3: What is Self-Isolation?

**A:**

- Self-isolation is a way of reducing the spread of the virus.
- Employers need to ask all employees to confirm how many members are in their household, as this will change how long they need to self-isolate.
- If you live alone and you have symptoms of Covid-19, however mild, stay at home for **7 days** from when your symptoms started.
- As of 16th March 2020, the UK Government have advised that if employees or anyone in their home has a high temperature or a new and continuous cough, then they should stay at home for **14 days**.
- If an Employee is recommended to self-isolate after speaking to NHS 111, they will have to self-isolate for a minimum of **7-14** days and must not come into contact with other people.

### Q4: How can I as an Employer help reduce the spread of Covid-19?

**A:**

#### ***Travel and working arrangements:***

Work from home where possible

Remind employees to avoid unnecessary travel

Reduce the levels of congregating in groups within your Organisation. Remember the social distancing rule of 2-metres apart

Meetings can be attended virtually using technology aids such as Skype, Microsoft Teams etc

#### ***The Basics:***

Remind Employees to wash their hands for a minimum of 30 seconds. This should be done frequently throughout the day using anti-bacterial handwash

Reduce the level of employees making unnecessary entry to communal areas within the Organisation, for example kitchen and toilets. If this is unavoidable, Employees should wash their hands beforehand or wipe their hands with the antibacterial wipes/ hand sanitiser

Desks and all surfaces should be disinfected with antibacterial spray and blue roll; this should then be disposed of correctly

Employees should be reminded to cover their cough or sneeze with a tissue and to dispose the tissue in a bin

Employees should be reminded to avoid touching their eyes, nose and mouth with unwashed hands

Close contact with people who are unwell should be avoided

It is important to stay hydrated throughout the day

Employers should monitor the situation and keep all employees informed if/when any changes may accrue



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### Q5: What should Employers be doing now?

A:

- Ensure all employees complete a COVID-19 Employee Questionnaire and if they answer YES to any of the questions, they must inform Management immediately.
- Ask all employees to confirm how many members are in their household, as this will change how long they need to self-isolate.
- Carry out a 'Work from Home' assessment.
- Monitor and follow advice and guidance from relevant authorities such as the Public Health Agency ("PHA") (PHA Guidance) the World Health Organisation ("WHO").
- Assess the risks faced by their Employees and Visitors and implement measures to mitigate those risks, paying **attention** to vulnerable employees (such as those who are pregnant; over 70s; impaired immunity; on secondment or working away from home).
- Inform their employees and, where relevant, recognised unions about their proposed measures.
- Review policies governing business travel, attendance at business related conferences, holidays, sickness, caring for dependants to ensure a reasonable and consistent approach, taking account of their risk assessment and government guidance.
- Review relevant insurance policies and guidance issued by their insurers.
- Update contact details and next of kin details for Employees and Management.
- Devise arrangements for dealing with employees who **must** travel abroad; who may be at particular risk of contracting Covid-19; or who report symptoms and may have Covid-19.

### Q6: In keeping with the advice from the UK Government on Monday 16th March 2020, should my employees be working from home?

A:

- Boris Johnson on Monday 16th March 2020 said employees should work from home where possible as part of a range of stringent new measures.
- Employers have a duty to secure the health and safety of the workplace and their employees. If it is not essential for your employees to be in the office to perform their job duties, these employees should work from home.
- If working from home is a feasible option, explore this with Employees and Management. A 'Work from Home' assessment should be carried out prior to ensure that employees can carry out their duties at home, establish what roles can be carried out remotely and have the correct equipment to do so.
- Review your working from home, flexible working and whether existing contracts and working arrangements permit such flexibility, and if not, consider how this might be achieved.

### Q7: Should pregnant employees, employees over 70 and employees with certain health conditions be working from home?

A:

- Boris Johnson on Monday 16th March 2020 said people should work from home where possible as part of a range of stringent new measures.
- Pregnant women, people over the age of 70 and those with certain health conditions should consider the advice "particularly important".
- Employees in at-risk groups will be asked within days to stay home for 12 weeks.



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### **Q8: What are my duties as an Employer?**

**A:**

- Employers have a duty under health and safety legislation to take steps to ensure the health, safety and welfare of all their employees, so far as reasonably practicable, including those who are particularly at risk for any reason.
- Employees also have a duty to take reasonable care of their own health and safety and that of people they work with. They must cooperate with their employer to enable it to comply with its duties under health and safety legislation.
- Employees who refuse to cooperate, or who recklessly risk their own health or that of others in the workplace, could be disciplined where this is appropriate.
- Where, for example, employees attend work but the employer reasonably believes the employee has symptoms that would require them to self-isolate in accordance with current government advice (i.e. where they have a new persistent cough and/or high temperature), it is likely that the employer has a duty of care towards other employees to require the employee displaying those symptoms to stay at home and self-isolate for a period of either 7 days (if you live on your own) or 14 days (if you live with other people).
- Employees will be entitled to SSP in this scenario under new temporary SSP Regulations.
- Alternatively, where employees are fit enough to carry out some work whilst self-isolating and it is practicable for them to do so, employees would be paid their normal wages for the period they are carrying out work.

### **Q9: What to do if an employee or a member of the public with suspected Covid-19 has recently been in your workplace?**

**A:** For contacts of a suspected case in the workplace, no restrictions or special control measures are required while laboratory test results for Covid-19 are awaited. There is no need to close the workplace or send other employees' home at this point. Most possible cases turn out to be negative. Therefore, until the outcome of test results is known there is no action that the workplace needs to take.

### **Q10: What to do if an employee or a member of the public with confirmed Covid-19 has recently been in your workplace?**

**A:** Closure of the workplace is not recommended. The Management team of the workplace will be contacted by the PHE local Health Protection Team to discuss the case, identify people who have been in contact with them and advise on any actions or precautions that should be taken. Advice on cleaning of communal areas such as offices or toilets will be given by the Health Protection Team.

### **Q11: Can an Employer require employees to report suspected cases of the Covid-19 relating to themselves or those they have come into contact with?**

**A:**

- Employers are obliged to maintain a safe place of work and should consider taking appropriate steps to prevent employees who are infected (or who are likely to be infected) from coming into the workplace. This may include, for example, Covid-19 Employee Questionnaire and training Managers to spot symptoms of Covid-19.
- Individual employee Contracts of Employment may permit checks. A refusal to undergo a check when there are reasonable grounds for checking the employee's health (for example, they



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appear ill or have been in a high-risk area) may result in that employee being excluded from the workplace and possibly being denied pay.

- Employers can request employees to report if they are infected or have been exposed to infection. However, under data protection law, such information about an individual's health counts as a 'special category' of personal data which may only be processed in limited circumstances. The processing of this information (for instance what and how it will be used and with whom it will be shared – as strictly necessary) should be made clear and Employers should ensure that the processing is necessary and appropriate for the stated purpose and is carried out in a proportionate manner. Maintaining the security of the personal data will be fundamental.
- Employers must be careful to avoid unlawful discrimination which might arise if (for example) employees with a nationality or ethnicity are singled out for checks.

### **Q12: Will employers have to pay employees off due to Covid-19?**

**A:**

As with any other illness, an employee who is off sick with Covid-19) will be entitled to SSP, provided the employee's average weekly earnings must be above £118. SSP is paid at a rate of £94.25 per week. Organisations must pay Statutory Sick Pay (SSP) from Day 1 of self-isolation until the time the employees return from sick leave.

The government has changed the rule regards the first period of sick leave for Coronavirus (Covid-19) only, reducing the first period from after 3 days to the first day.

### **Q13: How do you certify absence from work in relation to Covid-19?**

**A:** By law, medical evidence is not required for the first 7 days of sickness. After 7 days, it is for the Employer to determine what evidence they require, if any, from the employee. This does not need to be a fit note issued by a GP or other Doctor.

Your employee will be advised to isolate themselves and not to work in contact with other people by NHS 111 or PHE if they are a carrier of, or have been in contact with, an infectious or contagious disease, such as Covid-19.

Employers should use their discretion around the need for medical evidence for a period of absence where an employee is advised to stay at home due to suspected Covid-19.

### **Q14: What if an employee can't go to work because they've been advised to self-isolate?**

**A:** Employees who are given advice to self-isolate by the NHS 111 will be 'deemed to be incapable' and therefore will be entitled to SSP if they have an average weekly earning of £118 and above. However, If an Employee is instructed to stay at home by their Employer, they would be entitled to full pay.

### **Q15: What if an Employee can't go to work for other reason?**

**A:** Employees who do not wish to come into work may be able to take annual leave, although Employers are entitled to notice. If an employee has urgent caring responsibilities, for example if there is a school closure. Employees may be able to take a 'reasonable' amount of time off for dependents under Parental Leave and Carers Leave. This only applies to eligible employees and the time off does not have to be paid.



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### **Q16: What if an employee does not want to go to work?**

**A:** Some employees might feel they do not want to go to work if they're afraid of catching coronavirus. If there are genuine concerns, the employer must try to resolve them to protect the health and safety of their employees. 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.

### **Q17: What if employers close the workplace?**

**A:**

- In extreme cases employers may decide to close the workplace.
- In such circumstances, Employees are entitled to be paid - whether or not they are told to work from home.
- This is unless the employer has a right under their Contract of Employment to lay-off workers without pay. Those who are laid off without pay will be able to claim statutory guaranteed pay. This is paid at a rate £29 per day for up to only five days.

### **Q18: What options is there for Employers to make cutbacks regarding Employees?**

**A:**

- Redundancy
- Temporary Lay-off
- Short time working / hours of work reduced
- Pay cut – need to make sure it complies with minimum wage requirements, need to ask employees, cannot be forced without mutual agreement/consent by employees

### **Q19: Can I Lay-off Employees if a Lay-off clause isn't in their Contract of Employment?**

**A:**

- No - if a Lay-off clause is not stated in an Employee's Contract of Employment, they cannot be placed on Lay-off.
- However, Employers can have a consultation with Employees and discuss Lay-off as an option, this must be a mutual agreement and Employees should sign their consent to be on Lay-off.
- There is no upper limit for how long you can be laid-off.

### **Q20: Can I tell Employees when to take holidays?**

**A:**

- Employers have the right to tell Employees when to take holiday if they need to.
- For example, they can decide to shut for a week, and everyone must use their holiday entitlement. If the employer does decide to do this, they must tell employees at least twice as many days before as the amount of days they need people to take.
- This could affect holidays employees have already booked or planned. Employers should explain clearly why they need to close and try to resolve anyone's worries about how it will affect their holiday entitlement or plans.

### **Q21: If an Employee is off on Maternity, Paternity or Sick Leave, can they be considered for Lay-off?**

**A:** No, Employees already off on a type of Leave cannot be considered for temporary Lay-off.



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**Q22: Can Employees placed on temporary Lay-off claim any assistance from the government?**

**A:** Employees on temporary Lay-off might be able to get Universal Credit or 'new style' Jobseeker's Allowance (or both) while they are laid off.

**Q23: What contingency planning steps should Employers be taking?**

**A:**

Effective planning is key to ensuring business continuity and the protection of employees:

- Create a team to coordinate monitoring Government guidance, implementing measures and providing information and support to employees.
- Devise an appropriate communications plan to keep employees fully informed, even when they are absent from work, together with provision of emergency contact details.
- Ask employees to report if they are ill or at particular risk of infection; and inform them of the steps they should then take to receive appropriate medical attention.
- Train Managers on the employer's measures and provide them with information to identify and respond to risks, as well as providing support and training to employees on key facts and risks.
- Use alternatives to meetings and travel, such as using videoconferencing or webinars.
- Identify and track employees who are abroad and consider appropriate measures to support them.
- Identify key roles in their business which are essential for business continuity and the measures necessary to ensure their resilience (for example remote working or split key teams into different locations).
- Consider any measures necessary to sustain widespread home working.
- Review relevant policies (for example home working, sickness, emergency leave) and agree changes to employees' contracts to deliver flexibility.
- Consider how temporary shutdowns of premises might be managed.
- Review their insurance coverage.
- Consider their stance on requests to work flexibly and on self-isolation, quarantine and sickness and ensure that it is reasonable, fair and applied consistently.