

Coronavirus webinar series – Peninsula

Santander is hosting a series of webinars with leading industry professionals dedicated to helping businesses manage the impacts of the coronavirus pandemic. In our latest webinar, Amanda Chadwick of Peninsula, a provider of employment law, HR and health and safety services, talked through how to deal with the impacts of coronavirus in an employment context.

This article summarises her advice into eight key action points.

1. Remember your duty of care to staff

All employers have legally binding health and safety responsibilities to their employees, including a duty to avoid exposing them to unnecessary risk. In the context of coronavirus, particularly for businesses still operating, this means doing everything you possibly can to protect staff from infection. For employers that do not take such steps, the risk of facing substantial compensation claims from staff once this crisis is over is significant.

2. Focus on employee wellbeing

It is more important than ever to consider employee wellbeing right now. Many of your staff will have very valid concerns and you should acknowledge and address their worries.

Where staff are working from home, they may need extra support. Encourage them to build structure into their days, with regular breaks and no excessive hours. Keeping in touch is important; for those living alone, contact with work may be especially valuable. Consider informal contact as well as work-specific communication – could hosting an online event such as a video catch-up work well in your organisation, for example?

If you have other wellbeing support available, make sure staff know how to access it. Employee assistance programmes could be hugely useful at this time, giving staff help and advice with everything from mental health issues to financial problems.

3. Communicate with clarity

You need to keep staff informed about how coronavirus is affecting your organisation, with an honest appraisal of what that means to them. But it is vital that your messaging is regular, consistent and reliable. That may mean, for example, making a single person (or a small number of individuals) responsible for staff communication.

Where you're taking specific actions, you will need to communicate in specific and prescribed ways – you need to have written agreement with furloughed employees that they will cease to do all work, for example. Make sure you understand your legal responsibilities and take advice if you're not sure.

4. Protect your organisation

Make sure your employees know how to play their role in helping your business get through this difficult period. For example, you may need a skeleton staff to maintain operations or perform basic maintenance. Do you have a key worker policy that sets out who will do such tasks and how they should work differently – remotely or on a more mobile basis, for example?

Elsewhere, your business' legal and regulatory responsibilities have not gone away. Complying with GDPR, for example, remains vital and you could be compromised by staff working from home, using their own devices or failing to operate security protocols that apply automatically in the office. It's important to address these risks and help staff to mitigate them.

5. Fall back on your staff contracts and handbooks

Your existing contracts with staff form the basis for how you will make key decisions during this crisis. Your sick pay policy, for example, will set out how staff should keep in touch if they are off work ill or self-isolating, as well as what they'll be paid during such absences. Your lay-off or shortage of work policy should set out in what circumstances you can lay off staff without pay or with reduced pay for a period if you do not have enough work for them.

Where you don't have policies covering particular eventualities, you may need to seek voluntary agreement from staff to vary their contracts in a particular way. And in any case, you may wish to be more generous than your policies allow, particularly given the assistance available from the various government rescue schemes.

If you haven't already done so, develop a specific coronavirus policy for staff, which brings your practices together in this context and adds additional detail. The NHS 111 site is a good source of information on what to tell staff about self-isolating, for example.

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6. Keep clear records

Make sure you document all the decisions and actions you take at this time. While the government is taking a sympathetic approach, it is possible authorities such as HM Revenue & Customs will want to review many businesses' compliance with the benefit of hindsight.

To be prepared for such inquiries, make sure you have detailed records of furloughed staff, including the letters you issue them, and that you're complying with scheme rules. More broadly, keep all your records up to date, so there is a clear paper trail detailing everything from staff sickness to redundancy decisions.

7. Plan for the future

It's increasingly clear that we will not emerge from lockdown with a single decisive change and many businesses will return to normality gradually, rather than all at once. It's therefore important to think about how you might do that in practice with your employees. Will staff come back to work in stages, for example, perhaps part-time to begin with? Could you rotate staff on furlough? How many people are you likely to need and when? Making definitive judgements now is impossible, but you can start thinking about such issues.

Be realistic too. Many businesses will need to make redundancies at some stage, particularly once the furloughing scheme comes to an end. You will need to approach job losses in the normal way, including establishing a business case for redundancies, collecting the evidence and running through consultation periods. Start planning for this now.

8. Make a virtue out of necessity

For almost every employer, the coronavirus pandemic is likely to flag up areas of weakness or specific issues they hadn't previously identified. Use the crisis as an opportunity to address these problems so that your business is in a better position in the future.

One particularly important area to address is the Good Work Plan reforms that came into effect on 6 April this year. For many employers, the crisis will have highlighted areas where they may not be up to scratch. These reforms included a string of new requirements covering issues ranging from changes to payslips to how you deal with agency workers.

More broadly, review all your employment policies, as well as key documentation such as employee contracts and the staff handbook, in the light of this crisis. Did your business know exactly how to proceed, what to tell employees and how to respond to the pandemic? If not, there may be changes that will help future-proof your organisation.