

Key Points for Employers in the UK Government's COVID-19 Recovery Strategy

On 11 May 2020 the Government published “Our Plan to Rebuild: the UK Government's COVID-19 Recovery Strategy” (the Recovery Strategy). The Recovery Strategy sets out the Government's roadmap for a phased exit from the lockdown restrictions in England. The devolved administrations in Scotland, Wales and Northern Ireland will make their own assessments about lifting lockdown measures. Of particular importance to employers is the timetable for getting certain workers back to work and the health and safety measures that must be adopted.

What is the Recovery Strategy?

The key theme of the Recovery Strategy is that there will be no quick return to normality and working life will be different for the foreseeable future. The Government's overriding priority is to save lives and, therefore, safety measures remain paramount.

At the beginning of the pandemic, the reproduction number of the virus (the **R number**) was between 2.7 and 3, meaning each infected person passed the virus to nearly three other people on average. Phase one of the strategy for dealing with the virus was to introduce stringent lockdown measures to help reduce the R number and alleviate pressure on the NHS. The lockdown measures have caused the R number to drop between 0.5 and 0.9, meaning the number of infected people is falling and the restrictions can now be adjusted.

However, modelling suggests that relaxing all lockdown measures would lead to a resurgence of the virus and a second wave of infection that could be larger than the first. Therefore, phase two of the strategy sets out a road map for the gradual easing of some elements of the lockdown restrictions. The restrictions are to be replaced by “smarter controls”, reflecting the level of risk at a given point in time. These smarter controls will be developed and announced over the coming weeks and months and may be rolled out in different regions of England at different times depending on the levels of infection. Importantly, if the R number tips above 1 then stringent lockdown measures will be re-imposed, possibly at short notice.

Phase three of the strategy will be to lift the restrictions altogether. However, it is said this will only be possible when the Government has developed, trialled, manufactured and distributed reliable treatments or vaccines. No time frame is given, save that it is said that a vaccine “may not be developed for a long time (or even ever)” and that effective treatments may be found either “imminently” or “not for a long time”. Until then, we will remain in phase two.

What does phase two mean for employers?

Phase two is based around a staged easing of restrictions, with dates assigned to each stage. However, if the R number increases, it's likely that the lifting of some or all of the restrictions will be delayed. Bearing this in mind, what does the roadmap to lifting the restrictions have in store for employers?

Step 1 - some workers may return to work from 13 May 2020

Workers who cannot work from home are told to return to work if their workplace is open. The current list of businesses and venues that must remain closed to the public is set out [here](#) and includes all non-essential retail shops and hospitality businesses. Where workers are returning to work, they

are told to avoid public transport where possible and use face coverings in enclosed public spaces (such as shops or public transport where this has to be used).

Employers should take reasonably practicable steps to support alternative ways of commuting, for example, by joining the Government's [Cycle to Work](#) scheme, providing bike storage and changing facilities and/or providing more car parking spaces. Where the use of public transport is unavoidable, employers should consider introducing staggered start and finish times to allow the worst of the rush hour to be avoided. Employers could also provide staff with face coverings, although these do not need to be medical-grade face masks. More broadly, employers will need to comply with the "COVID-19 Secure Guidelines" which apply to their particular workplace. These are discussed further below.

However, the following workers should not (or may be unable to) return to work:

- **Those who can work from home:** these workers are told to continue to work from home "for the foreseeable future".
- **Self-isolators:** it remains the case that anyone with symptoms (or who is in household with someone who has symptoms) should self-isolate and not attend work until the relevant self-isolation period is over. As testing capacity increases, it should be possible to confirm more quickly whether someone is infected. Where a worker has already returned to work and needs to self-isolate, they should be treated as on sick leave for the period of self-isolation.
- **Clinically vulnerable:** those in clinically vulnerable groups (i.e. those aged 70+, are pregnant or who have certain chronic pre-existing conditions) are told to continue to take particular care to minimise contact outside their homes, although they do not need to shield. Where a clinically vulnerable person is unable to work from home (in their role or an alternative role) then they should be offered the safest available role in the workplace which allows them to socially distance. Alternatively, they could be furloughed (and the furlough scheme has recently been extended until 31 October 2020).
- **Shielders:** those who are clinically extremely vulnerable are told to continue to shield and stay at home at all times until at least the end of June 2020. Where a clinically extremely vulnerable person is unable to work from home (in their role or an alternative role), then they can either be treated as on sick leave or furloughed.
- **Parents:** in theory, parents are able to return to work from 13 May 2020 if they are unable to work from home and are not otherwise in an excluded category. However, at this stage, nurseries and schools will remain closed to the majority of children (although nannies and childminders may resume childcare services). This means that many parents will not be in a position to return to work. Employers should seek legal advice on their particular situation; however, options include agreeing periods of annual leave, parental leave or dependant emergency leave or placing the worker on furlough.
- **International workers arriving into the UK:** although international business travel will be rare at present, it should be noted that almost all persons arriving into the UK from overseas will be asked to self-isolate for 14 days (and if they cannot demonstrate where they will be self-

isolating they will be quarantined). This restriction is not coming into force on 13 May 2020 but will follow shortly.

In addition, employers should be aware that at the end of May 2020 the Government will publish a review into factors affecting outcomes from COVID-19, including ethnicity, gender and obesity. This may mean that employers will be required to take special action to protect those groups, including allowing them to work from home or putting in place additional protective measures.

Step 2 – more businesses, schools and public transport to reopen from 1 June 2020 (at the earliest)

At this stage, non-essential retail shops will be allowed to reopen, subject to complying with the new COVID-19 Secure Guidelines for shops. Retail workers who cannot work from home (and who are not otherwise in an excluded category) should return to work at this point. Businesses in other sectors that have been ordered to close must remain closed until step 3.

Also, at this stage there will be a phased return of some school years (i.e. Reception, Year 1, Year 6, Year 10 and Year 12). The ambition is for all primary school children to return before the Summer for a month if feasible (which would mean that Years 2 – 5 would return from approximately mid-June 2020). This should make it easier for some parents to return to work.

More local public transport in urban areas will also be reopened at this stage, which will expand commuting options for workers.

Step 3 – remaining businesses to reopen from 4 July 2020 (at the earliest)

At this final stage, businesses that have remained closed will be allowed to reopen, provided they comply with the applicable COVID 19 Secure Guidelines for their workplace and social distancing can be enacted. This will include businesses operating in the personal care, hospitality and leisure sectors. Workers employed in these businesses who cannot work from home (and who are not otherwise in an excluded category) should return to work at this point.

What are the COVID-19 Secure Guidelines?

The Recovery Strategy explains that special guidelines have been devised with relevant stakeholders (such as the Health and Safety Executive and trade unions) to help make workplaces less infectious. These are known as the COVID-19 Secure Guidelines. There are eight sets of guidelines, each which apply to different types of workplace, these are:

- [Offices and contact centres](#)
- [Factories, plants and warehouses](#)
- [Shops and branches](#)
- [Construction and other outdoor work](#)
- [Restaurants offering takeaway and delivery](#)
- [Labs and research facilities](#)
- [Vehicles](#)
- [Other people's homes](#)

In addition, the Recovery Strategy sets out “the most important guidelines” for everyone on staying safe outside the home. These pervasive guidelines are set out below, together with our suggestions for how employers can help support them. Such actions should be supplemented by the detailed recommendations made in the relevant set of COVID-19 Secure Guidelines.

Guidelines	Possible actions for employers
Avoid public transport where possible.	Expand bike storage and changing facilities. Offer car parking.
Avoid crowds.	Allow staggered starts/finishes to avoid rush hours on public transport. Allow use of more entries and exits and limit the number of people using lifts.
Wear face coverings in enclosed spaces where social distancing not possible (e.g. on public transport).	Provide face coverings.
Maintain social distancing of 2 metres wherever possible.	Reorganise workspace to allow this and mark areas where people congregate with floor tape.
Avoid face-to-face contact if you are within 2 metres of someone.	Reorganise workstations which are within 2 metres so that they are side-to-side rather than face-to-face.
Don't be too close to people for more than a short period of time.	Avoid non-essential meetings and restrict the length of any essential meetings.
Reduce the number of people you are in contact with.	Operate a shift system with different teams working at different times.
Wash hands with soap and water.	Provide soap and ensure supply is maintained and dispensers restocked.
Use hand sanitiser when travelling and apply when outside the home, upon entering a building and after contact with a surface.	Provide hand sanitiser at entry points and near equipment used by multiple people (e.g. photocopiers).
Wash clothes regularly.	If staff wear uniforms, ensure adequate changing facilities and frequent laundering.
Keep surfaces clean.	Introduce more frequent cleaning especially for shared surfaces such as door handles, lift buttons, kitchens and bathrooms.
Keep indoor spaces well-ventilated.	Open windows and use extractor fans to maximise the air flow rate.

BDBF is currently advising many employers on the challenges presented by the coronavirus. If you or your business needs advice on any coronavirus-related matter please contact Amanda Steadman (amandasteadman@bdbf.co.uk) or your usual BDBF contact.