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# Coronavirus (COVID-19): returning to the workplace guide

This guide will help you plan your organisation's next steps following a period of furlough or once lockdown measures start easing.

On 10 May 2020 the [Government began to outline its plans](#) for ending lockdown in England, while the devolved administrations in Scotland, Wales and Northern Ireland have announced a further period of lockdown. We await official guidance on what the government's plans will involve and while the timing and nature of any relaxation of restrictions is uncertain, it would be sensible for businesses to consider all the options and have the capability to move quickly from one scenario to another. In addition, the current Coronavirus Job Retention Scheme (commonly known as the furlough scheme) is currently due to end on 30 June 2020, and so organisations need to start thinking about what happens next.

Employers need to plan now for what is likely to be staged return to the workplace over what could be prolonged periods. Their guiding principle should be how organisations take care of their people and safeguard their health and well-being. Many people will be concerned and anxious about being in workplaces or travelling to workplaces. They will want to know that their organisation is retaining their support for physical and mental health and are changing their thinking about flexible and remote working. This should be at the heart of any decisions and plans that organisations make.

The [CIPD has recommended a people first approach](#), stressing the need to move gradually and learn as we go, and to be led by good principles and evidence of what is working. Flexibility, fairness, openness and collaboration will be critical principles in ensuring trust is maintained.

We will update this guide as soon as the Government guidance is available, but in the meantime, employers should start thinking about the following areas, bearing in mind that the physical, emotional and mental well-being of the workforce must remain the key

principle:

- Managing returning to the workplace
- Dealing with redundancies and related issues once the furlough scheme ends
- Managing holidays, sickness and other absences.

## Returning to the workplace

How you manage a return to the workplace will depend on the type of closure arrangements you have been operating. The 3 most prevalent types are:

- Business not trading at all (all staff furloughed)
- Business trading on a limited basis (some staff furloughed, some working from home or in company premises) or where only 'essential' workers are currently in work
- Business trading fully but all staff working from home.

Whichever of these is closest to your individual business, there are some common issues you will need to address:

- It seems highly likely that there will be a requirement for some form of social distancing for some time to come. Lockdown restrictions will likely be lifted incrementally, and all staff who can work from home will be expected to carry on doing so. Where certain groups of employees or businesses are part of a sectoral return to the workplace, employers will need to consider detailed risk management approaches to safeguard their health and minimise the risk of infection. It's therefore essential that employers continue to base any plans for returning to the workplace on [up-to-date Government and public health guidance](#) in relation to COVID-19. The health and safety executive has published [advice and guidance relating to COVID-19](#) on its website which may be useful when considering health and safety measures.
- Given that the priority for every business should be managing a safe return to the workplace for staff, it's crucial that you work in close collaboration with your health and safety and occupational health teams wherever possible. Communicate the practical measures you are taking to staff on a regular basis to help reassure them that their health, well-being and safety is your top priority. Make sure employees are clear about what procedure they should follow if they begin to feel unwell, both in the workplace and at home.
- You will need to review your workplace and consider – can staff maintain a 2m

physical distance between each other? How will you manage meetings, interviews and other interactions? What about communal areas such as canteens or kitchen areas? How can you implement resourcing strategies to support physical distancing such as 'cohorting' (ie keeping teams of workers working together and as small as possible), or staggering working hours so that not all staff are in at the same time?

- All of the key protection and hygiene measures will continue to apply to minimise the spread of infection, such as reminding staff about regular and effective handwashing, and providing hand sanitiser. If your premises have been closed for a period of time, you should carry out a deep-clean before you reopen. You should therefore review your cleaning arrangements, for example ensuring all phones/keyboards etc are wiped daily with anti-viral cleaner. You can refer to the [Government guidance](#) for more information.
- Depending on your working environment, you may need to consider providing additional PPE, including gloves, masks or anti-viral hand gel. If you want people to wear gloves/masks, then you will also need to think about training/briefing staff on their correct usage – since both can be ineffective if used inappropriately. Information is available on the [Government website](#). It's also likely that more large-scale testing for COVID-19 infection will form a key part of facilitating a safe return to the workplace for larger numbers of employees. This could form an extension of the current framework for the [testing of essential workers](#) and members of their household, and will mean every employer implementing a systematic approach for their workforce. Employers should continue to monitor the latest government guidance and be prepared to act upon any changes.
- Staff who travel or visit other company premises may also need additional equipment or briefing. Remote meeting facilities and video-conferencing should be encouraged wherever possible to minimise the need for staff to travel and/or use public transport. You can refer to our series of [tips for making the most of remote working](#) and the recording of our [webinar session on looking after your remote teams](#).
- The risks to people's health from this pandemic are psychological as well as physical. These include anxiety about the ongoing health crisis and fear of infection, as well social isolation due to the lockdown. Many will have experienced challenging domestic situations, such as juggling childcare or caring for a vulnerable relative, as well as financial worries if a partner has lost their income. Some will have

experienced illness, or bereavement. Even if staff have carried on working and participating in video meetings, they will still need to adjust to working in a shared environment with colleagues. Some may take more time than others and it's likely that most people will need a period of readjustment. Some members of staff may have concerns about travelling to work on public transport – or it may not be as readily available. Many may find that they are still coming to terms with the significant change which society has seen, and the familiar workplace routines could feel very different. If your business has an Employee Assistance Programme or access to Occupational Health advisers make staff aware of the services they can provide. Refer to the CIPD's content on mental health or resources from organisations like [Mind](#) for more. CIPD members can also access a [new well-being helpline](#) for advice and support. You may also wish to share the [advice from Carers UK and Carers Trust](#) with any employees with caring responsibilities.

- It will be vital to have a re-orientation or re-induction process for returning staff. Encourage and support every manager to have a one to one return meetings with every employee, where a key focus is on health, safety and well-being. Managers need to have a sensitive and open discussion with every individual and discuss any adjustments and/or ongoing support they may need to facilitate an effective return to the workplace. This is especially important for those who have been furloughed, and should cover topics such as changes in company services or procedures, how specific customer queries or issues are being addressed, or changes in supply arrangements, as well as any changes to their work duties or tasks. It could be that some staff require a phased return to their full role, or want to discuss a new working arrangement, especially if their domestic situation has changed because of the pandemic.
- Finally, it will be important for every employer to ensure that the organisation culture is inclusive, and that every employee feels they are returning to a supportive and caring environment. The pandemic has had an unequal impact across the workforce in many ways, as different groups of employees, and individuals, will have been affected in diverse ways according to their job role and individual circumstances. Some organisations will have people who have been furloughed on 80% or 100% pay, for example, while others may have continued to work or even had increased workloads. The uneven nature of people's work and personal experiences and the challenging nature of the lockdown and ongoing situation, means there could be potential for some negative feelings creeping into the employment relations climate. Therefore, it's important that the organisation fosters an inclusive working environment, and managers are sensitive to any underlying tensions and confident about nipping potential conflict in the bud. You may wish to refer to our

[report on managing conflict in the modern workplace](#) for advice.

## Legal considerations

There will also be a number of employment law and administrative issues that need to be covered.

- CIPD advice throughout has been that you should seek written agreement with staff to be furloughed. Even if you put in a clause allowing for an immediate recall, you should still give staff a reasonable period of notice of requiring them to return to the workplace. This is particularly important given that many people will have additional childcare or other responsibilities, which they may need to make arrangements to manage.
- You'll need to ensure that your payroll staff or provider are aware that furlough has ended for these staff and they should return to full pay (taking into account the national minimum and living wage rates increases from April for any staff employed on those rates).
- Even if you can address the crucial health and safety aspects and are confident you can protect people's health (some of which were covered above), is it sensible to want all staff to return to work at your premises? Would it be more appropriate to continue with some staff home working on a longer-term basis? If so, make sure you have a clear rationale as to why you need particular staff or roles to return physically. Everyone's lives will have been severely disrupted by the pandemic. People's expectations around work, and how they fulfil their role, and reconcile work and domestic responsibilities, could have changed dramatically. This is an ideal time for employers to think more creatively about effective ways of working, and harness more agile and flexible working practices to meet individuals' changing expectations. This approach could also help employers to develop more effective people management practices that are more productive for the organisation. This may require employees to review existing or produce new policies on flexible working; you can refer to the [CIPD's flexible working page](#) for advice on how to improve flexible working whilst maintaining team cultures.
- What criteria will you use to recall staff? Will it be simply business need? Will you consider individual personal circumstances? Remember not to use discriminatory criteria; be fair and inclusive and keep in mind your organisational values and any diversity and inclusion aims.

CIPD members can seek individual advice from the employment law helpline on 03330 431

217.

## Short term working/Redundancy

When the government furlough scheme ends (currently set for 30 June) your business may still not need to bring all its existing workforce back. In this case you have essentially three options:

- Agree reduced working hours with some or all staff
- Furlough staff for a further period, at your own expense
- Consider redundancies.

### Reduced working hours

If your business has work for all its staff, but not at the level before restrictions, you may want to consider asking staff to reduce their working hours on a temporary basis. As with furlough, because this will be a temporary contractual change, people will need to agree in writing. It is legally possible to impose a change but this is a complex and time-consuming approach which is also likely to destroy any goodwill with employees, so should only be considered as a last resort and following proper legal advice.

You'll need to be clear about the reasons for reducing working hours and be prepared to respond to questions from staff. You also may need to consider how you 'sell' the idea when furloughed staff have been receiving 80% when not required to work - you may be asking them to do work and receive a smaller amount; and staff who have been working normal hours may feel demotivated at being asked to take home less pay when they have kept the organisation running at a difficult time.

### Further furlough

If the Coronavirus Job Retention Scheme (CJRS) ends as currently scheduled on 30 June, that may not necessarily fit in with your own business timescale. It may be that you would prefer to keep some staff furloughed for a further period as you implement a phased return to normal working.

If your furlough letter to individual employees did not include a specific end date, then you can continue to keep staff furloughed on the same terms as the CJRS, although your business would need to bear the full cost of their 80% payment and other employment costs. It would be sensible to write to employees to explain that you are continuing furlough for them (with an estimate of how long for if you can give it) as many will expect the end of the government scheme to mean a return to more normal working.

If your furlough letter did include an end date or linked furlough to the CJRS, you will need

to seek further agreement from staff to continue being furloughed. Again, you will bear any employment costs and it would be sensible to give an estimate of how long the further period is likely to be.

A minority of employers will have an unpaid 'lay-off' clause in their contract. If you do have such a clause, you will be able to use it provided staff are given correct notice (and since we will know the end date of the CJRS well in advance, there should be no reason why you cannot give people more notice than they contractually require). Remember, however, that unpaid lay-off still requires you to pay minimum guarantee payments for some of the period, and that an unpaid lay-off exceeding 4 weeks in length entitles an employee to consider themselves redundant and claim a redundancy payment from you, so this is only a short-term solution. Seek advice even if you do have such a clause.

## Redundancies

Your business may not be able to continue trading, or you may only have enough business to require significantly fewer staff. In such a situation, the end of the CJRS may require you to make redundancies. While you need to follow the correct legal process take any steps you can to support employees through this process. Redundancy will be a crushing blow to many people, at a time when they have been through a very challenging time – be very mindful of how you communicate, continue to support them and treat their health and welfare as a priority.

Information on implementing redundancies can be found on the [redundancy topic page](#) but some key points you need to remember are:

- You must consult with staff – even if there is no option but to make redundancies – before formally giving notice. This should include the reasons why they are being made redundant. Government guidance on redundancy consultation is available on the [Gov.uk website](#).
- If you are planning to make 20 or more people redundant (but less than 100 people) you must start collective consultation 30 days before giving notice of the first redundancy. If you want to make this number of redundancies as soon as the CJRS ends on 30 June you will need to start consultation no later than 31 May 2020.
- Similarly, if you planning to make 100 or more people redundant then consultation must begin 45 days before giving notice of first redundancy – so to make this number of redundancies as the CJRS ends on 30 June you would need to start consultation by 16 May 2020.
- While the relevant legislation does allow for these consultation periods to be reduced in 'special circumstances', it is unlikely that you would be able to use this argument when the end date of the CJRS is known well in advance. See the FAQ 'Q: For redundancy consultation do normal timelines apply or is this a special case?' for more detail.

- Remember that redundant staff are entitled to receive notice (or payment in lieu); holidays and other contractual entitlements; and a redundancy payment if they qualify. This is a cost your business will have to pay.

## Dealing with other groups of staff

Since not all restrictions will be lifted at the same time, there are some other issues that you will need to consider:

1. Staff who are advised to shield or self-isolate
2. Staff who have suffered a bereavement
3. Managing holidays after the return.

Some of your staff may still be required to shield (currently for 12 weeks) because they are 'extremely vulnerable' and at particular risk from COVID-19 infection. Others may be very concerned because they live or care for someone who is classed as high risk. If individuals are still shielding as restrictions begin to be lifted, or the CJRS ends, you should:

- allow them to continue to work from home
- if this is not possible, look at other options to retain them such as a further furlough period.

More [information on shielding](#) can be found on the government website.

Staff who develop symptoms of COVID-19 - or who live with someone who does - will still need to self-isolate for 14 days. The rules around this have not changed and information can be found on the government website.

While deaths from COVID-19 are still comparatively rare, it is possible you may have employees who have suffered the bereavement of a partner or other family member. While there is no statutory right to bereavement leave, other than in the case of the [death of a child](#), you should be sympathetic to requests for additional time off during this period, and if you can we recommend that you pay normal pay.

Remember that, while all deaths affect individuals, in the case of COVID-19 family members may have been unable to see their loved one for some time before death, and not been able to attend the funeral. Employees who have suffered a bereavement are likely to need ongoing flexibility and support to grieve. Make sure you make them aware of any mental health support (such as Employee Assistance Programmes) you offer, and that managers are able to have sensitive and supportive conversations with people.

In very rare cases, you may have an employee who has died from COVID-19. You will need to support their colleagues and again, signpost staff to any mental health support you offer. You will also want to be in contact with their family to offer support, especially

where you offer Death In Service benefits.

Staff are now allowed to carry forward some of their statutory holidays if they are unable to take them in the current leave year. CIPD advice remains the same:

- Encourage staff to take previously agreed holiday dates – even if working from home, people still need time away from work.
- Have a clear policy to allow as many people as possible to take leave this year while still maintaining key business services – perhaps relaxing normal rules around maximum numbers allowed off at once.

## Other issues to consider

- If your business operates internationally, you will need to plan based on the restrictions and/or guidance of different countries. Some may maintain stricter lockdown arrangements than the UK; others may lift restrictions sooner. Adopt a consistent approach while ensuring you are aware of local circumstances.
- International travel is likely to remain disrupted even when other restrictions are lifted. Some countries have strict quarantine rules for those entering, which may prevent travel. Even if this is not the case, some staff may have concerns about travelling to other countries where the risk of COVID-19 is higher. Be aware of your health and safety responsibilities and keep business travel to an absolute minimum. As many have realised during the current lockdown, many (though not all) business meetings can be done via video-conferencing.
- Other non-COVID-19 issues that may affect your business still need to be planned for. For example, the UK is due to end its Brexit transitional arrangement on 31 December 2020. This will have major implications for businesses that trade internationally, or who currently employ EU nationals, or who may need to recruit from outside the UK.
- In addition to health and well-being, employers should bear in mind the importance of diversity and inclusion in any decisions or plans made. From ensuring that decisions don't discriminate against certain groups of employees (eg decisions about flexible, home or part time working due to school closures where women could be disproportionately affected leading to sex discrimination claims) to fostering an inclusive working environment that takes account of the different experiences people have had during the pandemic. The EHRC has produced [guidance for employers to make sure the decisions they're making are not](#)

discriminatory, as well as guidance for employers on making reasonable adjustments.

## Conclusion

Changes to the current lockdown restrictions are likely to be slow and gradual. They are also likely to fluctuate, and stricter measures imposed, possibly with very little notice. While we don't know yet what the specific steps will be taken to start to lift the lockdown, there are certain principles and measures that every employer will need to consider. Organisations therefore need to use this time to prepare and plan their next steps.

Communication with your staff is key. Keeping people informed of what your business is doing – whether it is good or bad news for individuals - will help them to make their own decisions and give them some degree of security in very uncertain times. Knowing they are valued and supported by their employer – and that you continue to prioritise their health and safety – will be pivotal to their well-being.

Pay specific attention to staff who have particular requirements (e.g. health issues, disability, childcare or other caring responsibilities). They may not be in a position to return as quickly to 'normal' working. Be aware that some employees who had a reasonable adjustment before may need a different one on their return to a workplace. Similarly, many individuals who didn't previously have a mental health condition may have experienced mental health challenges and need to discuss changes to help them overcome any barriers and fulfil their role.

A guide such as this cannot possibly cover every business situation, but it should help you think about the sort of issues that all businesses will need to consider as restrictions begin to be relaxed. Keep checking the [CIPD coronavirus hub](#) for further resources and advice and keep up to date with the [latest government advice](#).

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