

COVID-19: Employment Law and Colleague Support

This briefing outlines the measures the Government has introduced to support employers during the COVID-19 outbreak, information on colleague safety, critical workers and approaches to the recruitment and onboarding of new colleagues.

Critical Workers

Schools are closed indefinitely from Friday 20th March, except for the children of critical workers. The Government has confirmed that convenience store colleagues will be included in the definition of critical worker. The [official guidance](#) states that "those involved in food production, processing, distribution, sale and delivery" will be able to continue taking their children to school.

If schools request proof that a child's parent or guardian is a critical worker within a convenience store, ACS has developed a [template letter](#) retailers can download and complete, for colleagues to use as evidence.

Support for Employers

Coronavirus Job Retention Scheme

Retailers will be able to access funding to continue paying part of their employees' wages if you need to lay off employees due to the consequences of COVID-19.

To access the scheme, retailers will need to designate affected workers as 'furloughed workers' and notify employees of this change. Retailers will then need to submit information to HMRC through a new online portal about furloughed workers and their earnings.

HMRC will reimburse 80% of furloughed workers' wage costs, up to a cap of £2,500 per month. HMRC is setting up a system to make these payments to employers.

How can I find out more?

-  Government guidance on support for business is available [here](#).

Statutory Sick Pay

The Government is introducing measures to allow employers with up to 250 employees as of 28 February 2020 to reclaim up to fourteen days of SSP paid for sickness absence due to COVID-19. Employers will also be able to reclaim expenditure for employees claiming SSP as a result of COVID-19. A rebate scheme to deliver the new SSP funding is under development. Further details will be provided after the Coronavirus Bill containing the SSP legislation has passed.

SSP is now payable to people who are staying at home on government advice, not just those who are infected. Employees claiming SSP due to COVID-19 are now entitled to pay from day one of absence, rather than the fourth day of their illness.

Retailers should maintain records of staff absences and SSP payments, but employees will not be required to produce a GP fit note. The Government is advising employers to 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.

Employees not entitled to SSP may be eligible for Employment Support Allowance (ESA) or Universal

Credit (UC). Employees claiming for either ESA or UC are no longer required to produce a fit note.

How can I find out more?

- ACAS has produced more information on self-isolation and SSP [here](#).
- Government guidance on SSP is available [here](#).

Self-Isolation

Government guidance on self-isolation states that anyone who lives alone and displays the COVID-19 symptoms of either a new continuous cough or high temperature should self-isolate by staying at home for seven days. People living with others who contract symptoms should self-isolate for seven days, with other household members self-isolating for 14 days. Anyone displaying symptoms must self-isolate for a further seven days from when the symptoms appeared, regardless of how long they have already been self-isolating.

Colleagues can provide evidence they are self-isolating for medical reasons via Isolation Notes. This is not required for the first 7 days of self-certified absence. People displaying symptoms can get an Isolation Note from [NHS 111](#) online while those living with someone displaying symptoms can get a note from the [NHS website](#) after answering a few questions. The Note will then be emailed directly to the colleague, or alternatively could be sent to a trusted friend or family member or sent directly to the employer.

How can I find out more?

- Government guidance on self-isolation for households with possible COVID-19 infection is available [here](#).

Colleague Safety

Colleague Hygiene and Social Distancing Practices

Government guidance states that employees should wash their hands more often than usual, for 20 seconds using soap and hot water, using hand sanitiser if necessary. Regularly touched objects and surfaces should be cleaned and disinfected using normal cleaning products. There is no official advice on cash handling or the need for personal protective equipment.

It is advised that you implement measures in your store to help customers ensure that they adhere to social distancing guidelines. Consider putting lines on the floor in front of the till points to ensure that customers maintain a safe distance to colleagues, asking customers to maintain distance whilst queueing, and encourage customers to use contactless payment where possible. ACS has developed more information on social distancing [here](#).

In addition to regular handwashing, colleagues may feel safer if they have additional personal protective equipment. Consider providing disposable gloves for colleagues to use whilst on the shop floor.

At especially busy times, it may be difficult for customers to maintain a safe distance from each other and colleagues whilst shopping. Consider restricting the number of customers allowed in the store at any one time during these periods.

How can I find out more?

- Government guidance on cleaning of non-healthcare settings is available [here](#).
- ACS has developed Assured Advice on [managing health and safety](#), [food safety and hygiene](#) and [water refills services](#).

Violence and Abuse

Whenever there is significant social and economic change, there can be knock on effects related to crime and disorder.

Retailers should ensure that staff are informed of potential new risks, for example dealing with product shortages.

How can I find out more?

- ACS' Animation of Managing violence and abuse in convenience stores [here](#).
- ACS #AlwaysReportAbuse [posters](#) are available to display in-store to support colleagues.

Sources of New Temporary Colleagues

Increased customer demand and self-isolating colleagues could contribute towards staffing shortages at short notice. An innovative way of restoring or increasing staffing levels would be to contact local employers within industries (e.g. hospitality, leisure) facing steep reductions in demand, and offering to take on their staff. An arrangement could be reached for a retailer to pay their employer directly for their staff to work within a store (consent would be required from both the employer and employees). Alternatively, you could employ new staff as your employees, and a standard temporary contract and other employment resources can be supplied by ACS on request.

Sources of New Temporary Colleagues

New team members will need to be working on the shop floor in quick time. You could focus on the key elements for onboarding new team members. The crucial legal compliance processes are:

- ACS Assured Advice guides, for example on [preventing underage sales](#) and [storing and selling fuel](#), may be priorities for your business
- Your fire safety policy and procedures
- Your security and personal safety policies

These can be briefed and read by new colleagues in a few minutes.

If you are bringing in new colleagues specifically in a security role, they must be SIA-registered. The register of SIA licence holders can be searched [here](#).

For more information on recruitment and onboarding please contact Steve Dowling, ACS Public Affairs Manager, via steve.dowling@acs.org.uk or 01252 533009 / 07384 818131.