

Planning return to work – post Coronavirus guidance

BIFA is receiving enquiries from Members regarding what steps they should be taking in order to facilitate their return to work when the current lockdown restrictions are eased by the Government. At the time of writing, it is difficult to provide precise answers because there are numerous variables including:

- The lack of specific guidance from Government relative to the lockdown easing
- Member's business activities
- Premises layout

In this guidance, we intend to highlight the main areas for consideration and identify the key elements for potential inclusion in any such plan. From Government announcements, it is clear, that there will have to be considerable changes when people return to work compared to the pre-23 March 2020 situation. Our suggestion would be to think carefully and document relative to your business the risks, the scale of that risk and potential ways to mitigate them.

At this point it is essential to emphasise this key point, the safe return of all staff to work must be the primary concern of all employers. Also, it makes good business sense, staff who feel safe and valued make better colleagues and, a second lockdown due to a further Coronavirus outbreak would probably be even more damaging in both human and economic terms than the initial one.

BIFA understands from Member feedback that, broadly speaking, during the current lockdown they will have fallen into one of three main categories:

- Majority of staff furloughed, a few have been retained and worked from home
- Where staff have been furloughed, and non-furloughed staff have continued working from home and some business activity has been conducted at the Member's premises
- Where business has been largely conducted from their premises

In whatever scenario there would have been some disruption to a Members business, which in the main has been detrimental. The presumption of this article is that the vast majority of Members will resume business, but in many ways the first matter to assess is the trader's financial viability. Given both the wish and capability to resume business we trust that the following guidance will be of some assistance.

Although the details of the easing of the current restrictions are not clear, the perceived wisdom is that some form of social distancing will be the cornerstone of any such policy in all

probability in both the short and medium term. This is likely to be linked to testing for the virus and guidance on wearing face masks.

This guide will not provide every answer, but it is hoped that it can be a clear indicator of those areas which need to be considered. It is suggested that consideration is given to using risk assessment principles when devising and documenting a return to work plan.

Management responsibility

As coronavirus has impacted every area of our Members business activity, employers should determine within their organisation who will be responsible for managing the return to work process, this may be a single individual or team. Obviously, the approach will vary from company to company dependent on size, structure, systems and culture. Whilst day to day management of the implementation can be delegated to subordinates there has to be an individual or body with the authority to make decisions, advise the outcomes and arrange for the necessary purchases to be made.

Facilities and Equipment

Much guidance on the web, at present, overlooks the key fact that the working environment must be safe before colleagues can return to work, specifically if the workplace has been shut down for six weeks or longer. It is suggested that:

- An inspection of the workplace and equipment is conducted
- Any dangerous/inoperable equipment is quarantined and identified as **“Do Not Use”**
- Service schedules are reviewed, the HSE have granted certain extensions to certifications for lifting equipment, the equipment still must be safe to use.
- Thorough cleansing/sanitisation of the building including workstations take place
- Computer systems are checked, backed up and restarted in a phased manner:
 - Re-visit e-mail systems and associated protocols reminding staff to be suspicious of any unsolicited communications. At BIFA we have noted an increase in fraudulent emails and those containing viruses.

Review your premises introducing new procedures as applicable

In all likelihood, some form of social distancing will be required for some time, therefore the following are worth considering:

- Reviewing office layout to ensure that a two-metre distance can be maintained between colleagues and if permitted visitors
- Adjust spacing between staff and introduce screens as applicable just as the supermarkets have done at their check outs
- Potentially implementing “One way” people flows, for instance stairs might be designated “Up” and “Down”
- Install clear signage in the premises reminding staff of the two metre distance requirements, directional arrows etc
- Alter office layout as appropriate, use meeting rooms as offices etc
- Consider leaving doors open during the working day so that the chances of transmitting the virus via touching contaminated handles is reduced
- In toilet areas only permit the use of cubicles, or where necessary only permit the use of alternate urinals to meet social distancing policies
- Similarly, many sinks will be too close to allow social distancing, so only use alternate ones
- Assess access control measures and prohibit/limit external visitors, however, remembering the legal obligations to allow drivers access to toilet facilities
- Establish an isolation room/area should a colleague fall unwell at work, especially with suspected coronavirus
- Pay particular attention to areas where equipment is shared, e.g. such as office workstations, forklifts and goods vehicles. Options to consider include restricting to single usage and where this is impractical cleaning between use and/or providing PPE to protect colleagues

It is important to remind employers of their legal obligation to ensure that procedures are managed and followed. Therefore, staff adherence with these specific procedures will have to be monitored and appropriate steps taken in line with the employer's staff rules to ensure that they are followed.

Review your business activities

When returning to work there are suggestions that a staggered restart will be appropriate.

- Consider which parts of the business must be undertaken/or can only be undertaken at the premises, commencing these first
- Conversely establish which activities can be delayed or undertaken off-site
- Use alternative means to achieve the same result, video conferencing etc has grown considerably, these new methods will be the "new norm"
- Limit/prohibit travel by public transport and overseas travel as much as possible

Hygiene

Government guidance is that regular hand washing for 20 seconds is one way to prevent spreading the virus. In view of this guidance:

- Review the provision of hand washing and drying facilities, potentially increasing the provision of soap dispensers. Hand dryers and single use paper towels are more hygienic than for instance the conventional hand towel
- Install hand sanitiser stations in offices especially near entrances
- Ensure that staff wash hands/use sanitiser as soon as possible after entering the premises
- Consider providing disinfectant wipes to staff for use during the day for use on their desk
- Decide whether it is appropriate to introduce additional cleaning during the working day, particularly for high use and communal areas
- Consider the use of single use disposable cups etc at least as a temporary measure

Additional Equipment and Personal Protective Equipment (PPE)

Some additional office related equipment might be required in order to maintain social distancing and improve hygiene standards. Employers will need to conduct and document risk assessments before purchasing and supplying it to staff.

Consideration will have to be given to the provision of PPE, possibly to colleagues who have never needed it before. The most likely items that will be required are gloves and face masks. This in itself will raise questions about:

- Training of staff in how to fit and use it properly
- The period of use and re-use
- Safe cleaning of the items
- Who will be responsible for cleaning/maintenance of the PPE

These factors will likely impact on the quantities of equipment that have to be purchased and supplied to staff.

The human element

So far, we have only been examining the physical and procedural requirements relating to a return to work. Concurrently with these previously mentioned considerations due attention

must be given on how managing the return to work of colleagues. There are other organisations such as the Chartered Institute of Personnel Development and ACAS who have guidance on these topics.

Published guidance indicates that the crucial element is to ensure that the employer has clear policies in place and communicates this to colleagues. For some staff the return to the office after a long period away may be difficult. There will need to be a period of time to re-adjust to coming back to work and to re-integrate with colleagues. In many ways staff will need to share and exchange common experiences of what has been a difficult time.

Given the number of deaths caused by Coronavirus, hopefully few employers will have to deal with the highly sensitive issue of a bereavement within the workforce. However, employers should consider how they will deal with this tragic circumstance which will include advising and supporting colleagues, collecting and returning the deceased's personal property and potentially resolving pension and death in service issues.

However, it must be remembered that it is likely that many more colleagues will have already contracted the virus. As per Government guidance staff must not to return to work if they are displaying symptoms of Coronavirus. The NHS website states that these individuals should stay at home and self-isolate.

“The main symptoms of coronavirus are:

- **a high temperature** – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
- **a new, continuous cough** – this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)”

It should be remembered that testing is available for those who are displaying the above symptoms and guidance is available at <https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested>

The other specific area to consider relates to those colleagues who are either due to age and/or underlying conditions classified as being “vulnerable” or who live in the same household of such a person and require continued shielding.

Specific areas for employers to consider

- Prior to staff returning to work consideration should be given to using video or telephone contact with individual colleagues to discuss their situation and any changes in the work environment affecting them. (Remember to comply with all data protection legislation)
- In place of the above contact via e-mail, or post will be necessary
- Establish precisely who will be returning to work
- Identify “vulnerable” workers
- Decide how are you going to handle those who decline to return to work without good reason
- Consider staggering the return to work by activity or department
- Consideration will have to be given to staggering people's start times at work or even introducing a shift system
- Potential variations of employment terms if permitted under the employment contract:
 - Part time working
 - Redeployment to alternative role
 - Alternative location where appropriate

- Establish the impact of staff returning to work prior to the end of their “furloughing” term
- Staff monitoring procedure for coronavirus symptoms
- Consultation and feedback process for colleagues
- Remember that staff working from home will be covered by Health and Safety legislation, meaning that policies may need to be updated and risk assessments undertaken of domestic based workstations etc

Cargo Handling procedures

Special consideration should be to those staff who physically handle cargo. Some staff will need re-assurance that it is safe to do so, employers should:

- Ensure that they are aware of Government guidelines that it is physically safe to do so
- Establish procedures and implement them to maintain social distancing when cargo is delivered/accepted:
 - Markings on the ground
 - Sending/receiving relevant documents in advance by email for signature and return
 - Alternatives to signed PODs must be agreed in advance with clients
- Avoiding situations where two people are required to lift freight
 - Devising procedures in line with HSE guidance such as side by side working to replace face to face

Seek expert advice

This very large area includes amongst other things legal, financial, employment and insurance matters covering all aspects of business activities. It must be stressed that expert advice may have to be sought from solicitors, accountants and insurers to resolve specific issues.

The most common questions we have received to date relate to redundancy matters and staff being taken off furlough before the end of the intended period, specialist advice will need to be sought in these areas. Also, we have received questions related to liabilities for delays to shipments and arguments over quay rent and demurrage charges, where we can provide initial assistance and guidance.

Monitor, review, and amend

It is likely that the post lockdown situation will be an evolving picture and it is important that companies monitor staff feedback and ongoing Government advice/regulation to adjust their initial policies and procedures as applicable. Any procedural changes will have to be promptly advised to staff and implementation monitored.

We obviously wish all our Members a successful return to work and will assist wherever we can. Salutory lessons can be learnt from recent experiences, all seem to agree that greater resilience and flexibility will have to be built into business processes, there will also have to be new realities about areas such as credit control procedures and level of cash reserves held by businesses.

There is an old saying that is as true today as ever it was “if something does not break you, it makes you stronger”. BIFA extends its best wishes to all its Members in recovering from the international impacts of the disruption caused by coronavirus.

Disclaimer: - This Guide has been produced to provide general industry guidance to Members. However, it is not legal advice nor is it a substitute for legal advice. The Association is only able to provide general non legal guidance as each Member's situation may be different and this may affect particular legal advice that may be given by suitably qualified lawyers to each Member. The Association is not able to provide legal advice and if you wish to ensure that any specific action you intend to take while relying on this general guide is legally appropriate you are advised to consult a qualified lawyer experienced in the relevant legal field which may include forwarding, transport, logistics, international trade and commerce in advance of taking such action.