



Company Health & Safety Procedures Manual COVID-19 Policy Statement

Cases of Wuhan novel coronavirus have been confirmed in a number of countries other than China including Thailand, Singapore, Japan, the USA and Europe. The first cases of the coronavirus have also now been confirmed in the UK.

A safe place of work

The Safety, Health and Welfare at Work Act 2005 places a statutory obligation on employers to ensure the health, safety and welfare of employees while at work. To discharge this duty, employers must take reasonable steps to identify and address any health and safety risks within the workplace. What does this mean in practice and what legal considerations should employers be taking into account in the context of a potential coronavirus outbreak?

What is coronavirus?

Although not well known, the coronavirus is actually a common type of virus across the world, which usually cause disease in animals. Other strains of coronavirus have made the jump to humans and produce common cold-like symptoms, as well as fever, a cough and difficulty breathing. Other strains are more severe, such as Mers and Sars, which you may have heard of. What you've been hearing about in the news recently is the Wuhan novel coronavirus, a new strain of the virus named for the place it was initially identified; Wuhan, China.

Kammac protective and preventative measures

Kammac have conducted a risk assessment to identify the likelihood of its employees contracting the coronavirus while performing their duties. Certain employees may be more at risk, for example, employees whose duties include human-to-human contact and employees with a vulnerable immune system.

Appropriate protective and preventative measures have been identified and put in place by way of this contingency plan. Such measures include hand sanitiser in all areas for all staff to use, reducing or temporarily suspending international business travel, client / contractor / supplier meetings and educating staff about the symptoms of the coronavirus and preventative steps employees should take e.g. frequent handwashing etc, this information has been placed in all areas.

What are Kammac doing?

There have been confirmed cases in the UK, it's always important for Kammac to consider what they can do to protect their business and their workforce from the virus, particularly if the threat escalates. Kammac have issued clear guidance to employees who have recently travelled abroad or who have been in contact with someone who has.

This policy also includes a flu pandemic / infectious diseases contingency plan that addresses business continuity in the event that the situation worsens. Even though this situation doesn't currently affect our business, it's good practice to have these plans regardless.





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Stay at home

As a precautionary measure, Kammac may require some (or even all) employees to stay out of the workplace for a temporary period – particularly where it is on notice of potential exposure by one or more employees to the coronavirus.

While some Kammac employees are set up to work remotely from home, the approach to be taken in relation to non-agile office staff should be considered. Employees have an implied right to work and any steps by Kammac to prevent them from accessing work could be a breach of this right. Any temporary "barring" staff from the workplace in an effort to prevent the coronavirus spreading, should continue to pay affected staff their normal remuneration. Kammac will clearly communicate the rationale behind this protective measure.

Claims in respect of disability discrimination or even constructive dismissal could be raised by employees who are required to remain out of the workplace. Provided staff continue to be paid and understand the precautionary nature of the measure, it is unlikely that such claims will arise in the circumstances.

Kammac are also prepared for situations where, despite the workplace remaining open, certain employees refuse to attend work due to fear of infection. A measured and reasonable approach will be taken, in advance of disciplinary action, to understand and potentially allay the employee's concerns.

Kammac may require an employee to undergo an independent medical assessment where:

- (i) the employer has a reasonable suspicion that an employee may be infected with the coronavirus; and
- (ii) there is an express provision within the employee's contract (or sickness absence policy) providing for such a referral.

In the unique circumstances of the coronavirus outbreak, referring an employee for testing (or subjecting all staff to temperature checks on arrival at work) may be deemed reasonable to enable an employer to ensure a safe place of work, even where such a referral is not provided for in contractual documentation. A refusal to attend for testing in these circumstances may warrant disciplinary action.

In addition, from a data protection perspective, the contents of any such medical report would constitute "special category" data. If Kammac seek to use (or "process") such data Kammac will be mindful of their obligations under the Data Protection Acts 1988 - 2018.

If an employee has symptoms associated with the coronavirus, or has been in contact with an infected person, or someone who has recently travelled abroad, they should be instructed not to come to work and follow the NHS advice in regards to reporting your illness (at the time of print, the advice is to complete the COVID-19 questionnaire on NHS 111 <https://111.nhs.uk/covid-19>).

Kammac do not have a duty to close the workplace during a flu pandemic or an infectious disease outbreak to prevent the spread of viruses such as the coronavirus until a confirmed case has been identified in that workplace.

Kammac have a duty to take measures to protect those employees who are most at risk if they are exposed to the coronavirus (employees aged 65+ and those with underlying health issues).





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Precautionary suspensions and annual leave

Whilst Kammac owe a duty of care to employees to take reasonable steps to ensure their health and safety, there is currently no legal obligation to impose a precautionary suspension of non-symptomatic employees returning from holiday or work in an area known to have experienced incidences of Coronavirus.

Additionally, third party pressure from colleagues should not be regarded as a sufficient reason to impose a suspension. Where a returning employee appears to have possible symptoms, they should be referred to their GP and matters taken from there. If the GP determines that they are unfit for work then they should be treated as off sick as per normal Kammac procedure.

However, colleagues who have had contact with the symptomatic employee should be made aware of the symptoms and advised to complete the online coronavirus questionnaire on NHS 111 - <https://111.nhs.uk/covid-19>. If the NHS does not certify the employee unfit for work, but Kammac are still concerned, then Kammac may consider other options, such as asking the employee to work from home in self-quarantine where possible, or briefly suspending them on precautionary grounds. Where Kammac does choose to suspend returning employees just as a precaution, it will have to be on full pay unless the contract gives Kammac a right to suspend without pay for this reason. Such a suspension should not be considered a 'medical suspension'.

Employees may wish to cancel their holiday plans at short notice if they were planning to visit affected areas and this may result in requests to postpone holiday dates that have already been agreed. These requests will be granted where possible.

Preventing the spread

Kammac is asking anyone returning from abroad who is feeling the symptoms to "self-quarantine" themselves for two weeks, that is stay away from work and take care interacting with others. Do NOT go straight to a doctor's surgery or hospital as, if you have the virus, you risk spreading it to others. Hand hygiene is the first line of defence in preventing the spread of viruses. Wash them frequently with soap and water, or hand sanitising gel.

- Always wash your hands before you eat
- Be especially careful in busy areas and public transport systems about touching things and then touching your face
- Carry disposable tissues with you, cover your nose and mouth when you cough or sneeze and dispose of the tissue carefully (catch it, bin it, kill it)
- Do not share snacks from packets or bowls that others are dipping their fingers into
- Avoid shaking hands or cheek kissing if you suspect viruses are circulating
- Regularly clean, not just your hands, but commonly used surfaces and devices you touch or handle.





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Kamac controls currently in place

- **Risk assessment.** Conducted, highlighting appropriate preventative and protective measures to reduce employee exposure.
- **Education.** Posters to educate staff on effective methods of disease prevention such as regular handwashing and using hand sanitisers when entering and leaving the office have been put in place. Extra dispensers have been ordered to be placed in vital areas around all sites.
- **Engagement with staff.** Ongoing communication with employees and ensure any actions taken, such as testing or barring staff from the workplace, are applied in a reasonable and consistent manner.
- **Cleaning.** The cleaning schedule for the site has now moved to once a day to attempt to keep the workplace cleaner during this outbreak period.
- **International drivers.** To reduce the human to human contact, all international drivers are currently barred from entering the warehouse office, the drivers hatch must be used, giving the employee a distanced interaction.
- **Stay informed and keep under review.** Regularly check the Department of Health and the WHO's website for the most up to date information and advice.

