

National Joint Council for local government services

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**To: Chief Executives in England, Wales and N Ireland
(copies for HR and Finance Directors)
Members of the National Joint Council**

6 March 2020

Dear Chief Executive,

Novel Coronavirus: COVID-19

Further to our [previous circular](#) on this subject dated 12 February, we are now able to provide more guidance. However, the NJC cannot furnish you with definitive answers to specific individual circumstances. We hope and expect that local employers and trade union representatives will work together collaboratively in the best interests of employees and maintenance of service delivery.

Current government guidance is to prevent the spread of coronavirus, individuals with flu-like symptoms should call NHS 111 for medical advice and not see their GP.

Employees who are sick or unfit for work should remain at home, rather than come into the workplace or work from home. They need to focus on their recovery. It would be a wise precaution to send home, at the earliest opportunity, any employees who are displaying flu-like signs / symptoms, as retaining sick employees in the confines of a workplace will increase the likelihood of further spread of the virus.

Employers have a duty of care to their employees and should exercise flexibility, considering home working arrangements if it is in the mutual interest of the organisation and employees to do so. This will be especially helpful for at risk groups such as pregnant employees or those with immune or respiratory conditions.

Pregnant employees should be asked for an application for Maternity Leave with the expected date of confinement being accepted if she cannot obtain a certificate of expected confinement due to surgeries / clinics being inundated with callers.

With regard to our previous circular that cited Part 2 Para 10.9 of the 'Green Book', if an employee is fit for work but decides, or is instructed, to self-isolate, their absence should not

be recorded as sickness absence. We would expect all options for home or remote working to be explored with the employee. As they are 'well' at this stage they should stay on normal full pay for the duration of the self-isolation period until such time as they are confirmed to have contracted the virus, at which point they transfer to sickness absence leave and the usual provisions of the sickness scheme will apply.

In circumstances where an employee decides to self-isolate without instruction from the authorities it is not unreasonable for the employer to ask for some evidence such as an email from a holiday operator that shows the dates of the holiday, the resort location and flight details. However, it will probably not be possible in all cases for an employee to produce any evidence, so employers will need to use their discretion when trying to establish the facts behind the employee's decision to self-isolate.

If an employee is caring for someone who has or may have coronavirus, this period of absence should also be regarded as self-isolation. Given the employee may then have been in direct contact with the virus we would expect home working arrangements to be then considered for the duration of the incubation period. Employers should keep in touch to support employees.

Following any school closures, employers should be fully supportive of employees with childcare responsibilities and consider flexible working arrangements, including working from home, adapting working patterns to care for children or dependants or taking time off, whether this is special leave, annual leave or flexible working.

If you grant annual leave, inform the employee that it is conditional on the business being able to support the absence at the time. If annual leave is refused the appropriate amount of notice must be given, for example, if an individual has requested one week's leave they must be given at least one week's notice that the leave has not been approved – assuming the employee has provided the appropriate notice. Failure to give the requisite notice in these circumstances may constitute a breach of the Working Time Regulations 1998.

You can ask employees to cancel or postpone annual leave if it is necessary to maintain service delivery. However, you must give the appropriate notice, for example, one week's notice for one week's leave (annual leave only). You may also agree to employees carrying over or being paid for leave they were unable to take by the end of their leave year; due regard should be given to individual circumstances and potential financial hardship that may result from booked leave being cancelled.

The Government has announced that Statutory Sick Pay will be paid from the first day of sickness absence rather than from the fourth. The change will be included in emergency legislation to deal with coronavirus and will impact directly on organisations that have diverged from the Green Book sickness scheme by not paying for the first three days of absence. Where employers have a sick pay policy more generous than SSP, this will take precedence.

Given the exceptional circumstances, employers may wish to suspend targets or triggers in occupational sickness policies for any absences connected with coronavirus.

All toilet and washing facilities should contain soap, water and an alcohol-based hand rub to allow users to wash their hands, which can help eliminate or reduce the risk of the virus

spreading. Providing wet wipes and tissues in the office can encourage employees to keep their workspaces clean and follow the “*catch it, bin it, kill it*” advice for coughing and sneezing to help stem coronavirus infections and the spread of germs.

Workplace cleaning should meet high hygienic standards. Any dissatisfaction with office cleanliness should be addressed through facilities management. Employees need to dispose of their rubbish, put away personal items and not leave dirty cutlery around the workplace. Cleaning teams are not generally allowed to touch personal items so they will clean round them, but they won't move them. It is believed that coronavirus can survive on surfaces for hours and possibly days. All employees should regularly wash their hands to help reduce the risk of infection and spread of the virus. Try to clean desks, keyboards and phones with disinfectant wipes, if available. This is especially important if hot desking is in operation.

We shall continue to provide further advice as necessary, but please keep up to date with developments by visiting the [LGA's dedicated webpage on COVID-19](#).

Yours sincerely,

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