

UK COVID-19 Update: Furlough Scheme Extended and Guidance for Workplace Safety Released

Extension of Coronavirus Job Retention Scheme

The UK government announced yesterday (Tuesday 12 May) that the Coronavirus Job Retention Scheme will be extended for a further four months, until the end of October 2020.

Furloughed employees will continue to receive 80% of their normal salary (up to the £2,500 cap) throughout the extended period, however, “new flexibility” will be introduced from August so that furloughed employees can be brought back to work part-time, with employers being asked to pay an as-yet-unspecified contribution towards their salary. Full details will be published by the end of May.

Guidance on COVID-19 safety measures in the workplace

On 10 May the Prime Minister announced that employees who cannot do their job from home should be “actively encouraged to return to work” from Wednesday 13 May. Following this, the government has released guidance for employers on COVID-19 safety measures in the workplace. Eight sector-specific guides have been published, available [here](#).

The guidance states that all employers should carry out a COVID-19 risk assessment (which should be written down unless there are fewer than 5 employees). Employers should share the results of their risk assessment with their workforce - employers with over 50 employees should publish the results on their website, although all employers, regardless of employee numbers, should aim to do this if possible. Details regarding social distancing in the workplace, appropriate cleaning measures and specific measures for particularly vulnerable employees are included in the guidance, and these should of course be taken into account when conducting the risk assessment.

The guidance also reiterates existing health and safety obligations on employers, namely that employers should consult with employees on health and safety measures, either

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through a representative selected by a recognised trade union or, if there isn't one, a representative chosen by the employees. Although not explicitly addressed in the guidance, it appears that being involved in a consultation process (whether as an employee or a representative) is allowed during any period of furlough leave.

There is no set format or timeframe that the consultation must follow, however, from a practical perspective a key issue for employers to overcome when asking employees to return to work will no doubt be employees' possible anxiety about health and safety, so consulting as soon as possible is likely to be helpful.

While the government guidance is not itself legally binding, failure to implement the recommended measures may result in employee-relations issues and potential liabilities, as employers have a legal duty to ensure the safety of their employees at work.

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