

### **Quarantine Policy – notes upon completion and use of quarantine policy**

You should consult with your employees about the introduction of the policy, explaining why it is necessary and why the business needs to deal with it in this way.

#### **Pay arrangements**

This is for you to decide what you wish to do.

There is no right to be paid if the employee is self-isolating on quarantine and cannot work from home.

If the employee has been abroad on company business then it is only reasonable to pay them on their return – the policy as drafted states they will be paid as normal on return. An employee could potentially argue loss of trust and confidence in the business if not paid as normal, and look to bring a constructive dismissal claim.

#### **Options for pay in other circumstances**

The employee could take holiday if they had sufficient holiday to take – that would be with your consent.

You could agree to pay as normal or a specified amount of reduced pay.

You could require it to be taken as unpaid leave.

The employee is not entitled to sick pay unless they have coronavirus symptoms or are otherwise ill.

*The template policy states holiday or unpaid leave but can, of course, be amended to reflect what you wish to do.*

You should also consider whether you wish to distinguish between holidays which may have been booked before the pandemic occurred; whether quarantine was imposed after travelling had commenced; or if the employee went abroad knowing the quarantine requirements were in place.

#### **Sickness absence on return or during quarantine**

If the employee is sick with coronavirus symptoms then they are entitled to SSP from day 1 and company sick pay if they qualify for it. After the end of the first week of sickness absence they will need to provide evidence to you, although employers are asked to be flexible at the present time in their requirements for evidence of sickness absence.

We have included in the template that any period of sickness absence immediately after a return may be investigated.

## **Furlough**

It is unclear whether or not you could properly place the employee on furlough on their return – this is because it is arguable whether the employee's absence is caused by the coronavirus pandemic or the employee's decision to travel abroad. That said, the ACAS guidance does suggest that an employer can furlough an employee who has to quarantine, so you could rely on that to furlough an employee. The employee would have to have been previously furloughed for at least 3 weeks before the scheme changed on 1<sup>st</sup> July, and would be subject to the furlough scheme rules. From 1<sup>st</sup> August 2020 the employer has to contribute towards the costs of a furloughed employee.

## **Employees who travel abroad for a family emergency**

The ACAS guidance reminds employers that they need to be respectful and fair towards employees who travel because of a family emergency or the death of a family member outside of the UK. Similarly, special consideration should be given to an employee who has travelled abroad to safely celebrate a religious festival

## **Cancelling Holiday**

You do not have the right to stop an employee going abroad but you can revoke pre-authorized holiday and the template policy includes the right for an employer to cancel an employee's holiday – this is a legal right but do bear in mind that this could have consequences for the employer.

It is likely to be unpopular and the employee may look to you to compensate them for cancellation charges incurred. An employee could also argue that you are acting unreasonably and that you are in breach of the implied terms of mutual trust and confidence, which gives the employee the right to resign and claim constructive dismissal if they have two years' service.

## **Further general guidance for employers**

You must not ask an employee who is in quarantine to attend work. It is a legal requirement for the person to quarantine and requiring or permitting them to physically attend work during quarantine would be encouraging an employee to commit a criminal offence and a potential breach of health and safety obligations. A breach of quarantine can result in a fine.

At the time of preparation of this guidance, if there is a household with more than one employee, only the employee who has left the country will need to quarantine. The whole household does not need to quarantine but all will need to self-isolate if anyone develops symptoms, and they will need to contact Track and Trace to arrange a test.

National Trainers Federation

7<sup>th</sup> August 2020