

# MANAGING THE COVID – 19 PANDEMIC IN THE WORKPLACE

Although the COVID-19 originated in China, over 100 countries have now reported laboratory-confirmed cases of COVID-19 leading WHO to declare a global pandemic.

Given that employers have an obligation to ensure a safe workplace, which includes taking steps to guard against the risk of infectious diseases, the outbreak of this new virus should prompt employers to implement a strategy to protect employees, customers and the general public. A detailed plan can help employers and managers to comply with legal obligations and will evidence the steps the company has taken to try to protect against an outbreak at work and what steps will be followed in order to minimise and mitigate against its impact.

This document addresses FAQs on employment matters in Barbados on the COVID-19 Pandemic. Each workplace is unique and as the situation unfolds different situations may present which require decisions based on the best information available.

It is incumbent on the BEC to appeal for a calm, reasoned approach by all constituents as we must all work hand-in-hand to see Barbados through this crisis.



## CONTENTS

LIST OF ACRONYMS.....2

USEFUL LINKS.....2

What is an employer’s responsibility in the COVID-19 Pandemic? .....3

How should you deal with international business travel considering COVID-19?.....4

What are some of the reasons why an employee may not be able to work? .....4

What payments are due to persons with COVID-19 or placed in mandatory isolation?.....5

If someone is not sick but cannot work due to self-quarantine? .....5

What information can an employer request from an employee to determine if they are a risk in the workplace? .....5

If an employee is not sick but the employer tells them not to come to work? .....6

If employees do not want to go to work?.....6

If someone becomes unwell at work? .....7

If someone with COVID-19 comes to work?.....7

Can an employer tell employees that someone at work has COVID-19? .....7

If the employer needs to close the workplace? .....8

## LIST OF ACRONYMS

COVID-19	Coronavirus Disease - <i>highly infectious respiratory disease caused by a new coronavirus. The disease was discovered in China in December 2019 and has since spread around the world.</i>
CARPHA	Caribbean Public Health Agency
PAHO	Pan American Health Organisation
WHO	World Health Organisation

## USEFUL LINKS

- [WHO Coronavirus disease \(COVID-19\) advice for the public](#)
- [WHO advice for workplaces on COVID -19](#)
- [PAHO COVID-19 Dashboard](#)
- [CARPHA information on COVID-19](#)

## What is an employer's responsibility in the COVID-19 Pandemic?

In a pandemic, the health, safety and security at work of people should be the main concern of all employers and employees. This is integral before thinking about the interests of the business or organisation. This is best done by way of the preparation and implementation of a plan to reduce the risk of contracting or spreading COVID-19 in the work environment. The foregoing links provide some guidance on this issue.

Additionally, such a plan should consider:

- Always follow the advice of the Ministry of Health and Wellness, Ministry of Defence and Security and Department of Emergency Management, reputable health agencies –they are the experts
- The provision of places and resources to keep their hands clean, for example regular cleaning of hands with soap, water, hand sanitizer, etc
- The manner in which workspaces are to be disinfected
- Educating staff on the transmission of the virus and steps they can take at work and at home to limit their exposure
- Responses to members of staff being infected
- Training of staff, especially managers, in how to spot symptoms of COVID-19 and are clear on any relevant processes, for example sickness reporting and sick pay, and procedures in case someone in the workplace develops the virus
- Business continuity plans considering possibilities of staff shortages due to illness or dependent care
- Provision of resources, where applicable, for employees to work from home
- Suspension of all non-essential business travel

In case COVID-19 spreads more widely, employers should consider some simple steps to help protect the health and safety of staff. It is good practice for employers to:

- Keep everyone updated on actions being taken to reduce risks of exposure in the workplace
- Make sure everyone's contact numbers and emergency contact details are up to date
- Consider if protective face masks might help for people working in particularly vulnerable situations
- Ensure that employees working from home, in self-isolation or mandatory quarantine are well; keep in contact with them
- Encourage employees to reconsider travel plans to regions with COVID-19 outbreaks or high-risk areas as designated by the WHO and Government of Barbados advisories
- Make sure that employees know how to prevent exposure to the virus and its symptoms
- Ensure that employees know what the impact on the business will be
- Deal with employees in good faith about leave, payment and any other relevant issues
- Discuss and agree with employees how time away from work will be classified
- Be careful, exercise care and good judgement always
- Communicate well with employees; this may be enhanced through trade union representatives and health and safety committees

**Employers must not single anyone out. For example, an employee must not be treated differently on the basis of race or ethnicity.**

## How should you deal with international business travel considering COVID-19?

Employers should restrict employees from traveling to high-risk destinations as advised by the WHO and Barbados Government, unless necessary. If employees must travel, they should be advised to follow infection control precautions with careful hygiene; avoiding contact with sick people; avoiding contact with animals and uncooked animal products; and wearing personal protective equipment.

For employees returning home from high-risk destinations, the restrictions which are in place in various countries mean that individuals may be subject to screening at airports, mandatory quarantine or monitored self-isolation. As a result, employers should put in place protocols which are likely to vary for employees who are subject to mandatory quarantine and cannot to return to the workplace, employees who are under monitored self-quarantine, and employees who have travelled to high risk destinations (or have had contact with someone who recently has) and demonstrate symptoms consistent with a cold.

## What are some of the reasons why an employee may not be able to work?

There are different reasons why an employee may not be able to work in this situation. Each case will need to be reviewed on its merit and discretion applied.

These can include:

- An employer may be unable to provide work for employees who are willing and able to carry out their agreed hours of work.
- An employer may be unable to provide a suitable and safe workplace for employees who are willing and able to carry out their agreed hours of work.
- Employees can't access the workplace because of restrictions not directly related to their own workplace and out of their employer's control (e.g. road closures, unavailability of public transportation, safety issues relating to adjoining buildings).
- An employee (or their dependant) is sick or injured and unable to work.
- An employee has to care for a dependant because usual care is unavailable.
- An employee is abroad and unable to travel due to restrictions.
- An employee is willing and able to work but their usual mode of transport is unavailable.
- The employee's partner or dependent family member isn't injured or sick but they require care. For example, their child's school is closed.

## What payments are due to persons with COVID-19 or placed in mandatory isolation?

The workplace's usual sick leave and pay entitlements apply if someone is placed under mandatory isolation by a medical doctor or is diagnosed with COVID-19.

Employers may need to modify the usual process of reporting sick leave including extending the timeline for receipt of sick certificates.

Employees should advise employers as soon as possible if unable to report for work due to illness.

## If someone is not sick but cannot work due to self-quarantine?

If an employee is self-quarantining, then they are not ready, willing, and able to work. The starting point, therefore, is that the employee is not entitled to be paid. As such there is no legal ('statutory') obligation to pay an employee who cannot work due to self-quarantine.

However, it is good practice for the employer to treat self-quarantine as sick leave and follow their usual sick pay policies or agree for the time to be taken as special leave or holiday. ***Otherwise, there is a risk that the employee will come to work to safeguard being paid. That person could then spread the virus, if infected, potentially causing even greater disruption to the workplace.***

The employee must advise the employer as soon as possible if unable to work and should provide a reason and an estimation of likely time away from work.

## What information can an employer request from an employee to determine if they are a risk in the workplace?

In general terms, if an employee is ready, willing and able to work, the employer should allow the employee to work. However, this should be balanced against that fact that an employer has a responsibility to provide and maintain a healthy and safe work environment for all employees, customers and service providers.

If an employer suspects that someone has been exposed to the virus, the employer can:

- Check the readily available advice from credible sources including the Ministry of Health and Wellness, PAHO, WHO, CARPHA about symptoms and prevention of transmission of COVID-19.
- Ask the employee about their symptoms, possible contact with anyone who has been diagnosed with COVID-19 or travelled to a country that has had an outbreak of the virus.

Employers should respect an employee's right to privacy to the extent possible under the circumstances. Every effort should be made to ensure that information shared by employees is kept confidential and access is limited only to those who need to have it. However, COVID-19 represents a public health crisis and employers have a duty of care to obtain information necessary to make decisions to protect the safety of other employees and the public at large.

Explain why the information is necessary, how it will be used and any consequences of failure to cooperate.

An employer may request that an employee go to a doctor to get a clear bill of health.

### If an employee is not sick but the employer tells them not to come to work?

Generally, if it is the employer that decides that the employee must stay away from work, the employee is entitled to be paid so long as they are ready, willing and able to work.

If an employee is not sick but their employer tells them not to come to work, that employee should receive normal pay, e.g. if someone has returned from United Kingdom or another affected area and is advised by the employer not to come to work.

In such circumstances, employers may consider the following options:

- utilising paid vacation to cover the period
- facilitating telecommuting or work from home
- requesting the employee to provide evidence of a clear bill of health

### If employees do not want to go to work?

Staff may express reservations about reporting to work due to fears of contracting COVID-19. An employer should listen to any concerns staff may have.

If there are genuine concerns, the employer must try to resolve them to protect the health and safety of all staff. For example, if possible, the employer could offer flexible working.

If an employee still does not want to go in, it may be possible to make arrangements with the employer to take the time off as holiday or unpaid leave if practicable. However, the employer does not have to agree to this.

If an employee refuses to attend work and the employer can show that all reasonable steps are being taken to secure the safety of the employee in the work environment, it could result in disciplinary action.

## If someone becomes unwell at work?

If someone becomes unwell in the workplace, particularly after return from an area affected by COVID-19, or in contact with someone with a suspected case, the person should:

- remain at least 2 metres (7 feet) away from other people
- go to a room or area behind a closed door, such as a sick bay or private office
- avoid touching anything
- cough or sneeze into a tissue and place it directly into a closed bin, or if tissues are unavailable, cough and sneeze into the crook of the elbow
- use a separate bathroom from others, if possible

The unwell person or Management should use their own mobile phone to call either:

- The Ministry of Health and Wellness' **COVID-19 Hotline at 536-4500**
- An ambulance, if seriously ill or injured or their life is at risk

The person should advise the operator of:

- symptoms presenting
- any countries they visited in the last 14 days

## If someone with COVID-19 comes to work?

If someone with COVID-19 comes to work, the workplace does not necessarily have to close. The employer should contact the Ministry of Health and Wellness which will:

- obtain details on the case
- discuss the case
- identify people who have been in contact with the affected person
- carry out a risk assessment
- advise on any actions or precautions to be taken

## Can an employer tell employees that someone at work has COVID-19?

An employer can tell employees that someone is off work sick, but discretion is required in disclosing the nature of the absence.

The employee who is sick may expect their information to be kept confidential; however, people who have had contact with a sick employee should know about it, so they can follow guidance from the Ministry of Health and Wellness and take measures to prevent spreading the virus.



We advise taking a sensible common-sense approach to how much information needs to be disclosed.

## If the employer needs to close the workplace?

Currently there is a low risk that an employer will need to close the workplace.

However, plans should still be in place if there is a need to close temporarily. For example, ensure that that staff can communicate with the employer and relevant colleagues. This could include setting up call trees, confirming that contact numbers are up to date and creating WhatsApp chat groups for quick and easy communication.

Where work can be done at home, the employer could:

- ask staff who have work laptops or mobile phones to take them home so they can continue to work
- arrange paperwork tasks that can be done at home for staff who do not work on computers

In some situations, an employer might need to close down the business for a short time. In such an event the employee may be able to apply to NIS for income support as this may be treated as layoff.

If the employer sees this route as likely, it is important to talk with staff as early as possible and throughout the closure.

**It is important during this pandemic that all parties follow advice from health authorities. This includes, Ministry of Health and Wellness, World Health Organisation, Pan American Health Organisation and Caribbean Public Health Agency.**