

## Quarantine FAQs for employers

As from 4 July, the Government advises against non-essential international travel, except to countries and territories listed as exempt. Find out more with our frequently asked questions.

13 July 2020

*Please note: the information contained in this legal update is correct as of the original date of publication*

### What international travel is now permitted?

As from 4 July, the Government advises against non-essential international travel, except to countries and territories listed as exempt. The destinations on this list are currently assessed as no longer being an unacceptably high risk to British people travelling abroad; however, given that the risk level within countries can change swiftly, this list is being kept under review and remains subject to change.

The guidance stresses that no travel is risk free and so even if an employee is travelling to an exempt country, preparation is key – they should be aware of both the UK travel guidance and the applicable guidance for their destination, and they should sign up for Travel Alerts to ensure that they are aware of any changes to the advice. Further steps are set out in the planning checklist within the government's travel guidance.

If employers require employees to travel as part of their duties to a destination not listed as exempt, they will need to consider very carefully whether the travel is genuinely "essential" or not; given that such locations are still deemed by the Foreign and Commonwealth Office (FCO) as being high risk, employers would need to consider the health and safety ramifications of requiring such travel.

Any employees wishing to travel to a non-exempt location for personal reasons would also need to consider whether that travel was essential.

### Will British travellers need to quarantine whilst abroad?

This will depend upon the requirements of the particular destination and travellers will need to make sure that they are aware of those requirements in advance. This applies whether the travel is to exempt destinations or is essential travel to non-exempt destinations.

For work-related travel, any quarantine requirement is a factor that employers will need to consider as it may defeat the purpose of the travel required, place undue obligations on the employee, and/or result in additional costs.

For personal travel, employers should advise their employees to research this in advance – this is to try to avoid employees later arguing that they were denied a genuine holiday due to the need to remain quarantined, and/or to avoid delays in the employee's return date.

### Will travellers to the UK need to provide any additional information before entry?

For the vast majority, yes. Most people arriving into the UK (or returning to the UK) will need to provide their contact details and journey information (referred to as the public health passenger locator form). This form can be completed up to 48 hours prior to arrival. The completed form (either a printed copy or an electronic copy on a phone) will need to be shown at the border.

Anyone refusing to provide contact details can be fined up to £100, or more for repeat offences.

There is a limited exception for anyone travelling from Ireland, the Channel Islands and the Isle of Man (the Common Travel Area/CTA) where they have been within the CTA for at least 14 days. There are [further occupational exceptions which are listed here](#).

## Will quarantine provisions apply when returning to the UK?

This will depend upon the date of return and where the individual has travelled from.

### From 8 June to 9 July

Individuals who have spent the previous 14 days within the CTA will not need to self-isolate. There are also certain [occupational exceptions](#) to the self-isolation requirement, although some of these will differ according to which part of the UK the individual is returning to.

Anyone else will need to self-isolate.

### From 10 July

The above exceptions will continue to apply.

In addition, anyone travelling to the UK from a country on the [travel corridor list](#) will not need to self-isolate, provided that they have not stopped in, transited through or visited another country which is not on that list in the preceding 14 days. Although not listed individually, the 14 British Overseas Territories are also classed as exempt from the self-isolation requirements.

If someone has stopped in, transited through or visited a country that is not exempt from the self-isolation requirements, then they will need to self-isolate on their return for the remainder of the 14 days since they were last in a non-exempt country.

Please note that the travel corridor list is not exactly the same as the FCO list of countries which are exempt from the non-essential travel restriction.

The same rules apply, regardless of the method of transportation used.

## What are the quarantine provisions?

The self-isolation requirements differ depend on which part of the UK the individual is travelling to. However, the basic requirements are that an individual self-isolates for 14 days on entering the UK, and this includes not attending work premises. Fines of up to £1,000 can be issued for breaching these requirements. In England, if an individual moves location during this self-isolation period and does not update their contact details, they can be fined up to £3,200.

Guidance on self-isolation including links to the different self-isolation requirements for England, Wales, Scotland and Northern Ireland can be found [here](#). This includes guidance on how the self-isolation periods will be affected if the individual develops symptoms of coronavirus.

## Are employees entitled to take time off work if they need to quarantine?

If required to self-isolate, employees will not be permitted to attend work premises.

If they can work from home, then in line with the current workplace guidance, they should continue to do so and they would not be required to take time off to cover this period.

If they cannot work from home, and the reason for the quarantine was due to personal travel, then this becomes more difficult. If an employee elected to travel internationally in full knowledge of the requirement to self-isolate on their return, then it would seem reasonable for their employer to ask them to book additional annual leave to cover the quarantine period. If they do not have enough annual leave to cover it, employers could consider a period of unpaid leave.

If, however, the employee travels abroad to a country on the travel corridor list but this list is subsequently amended, employers will need to be very clear in their policies how such quarantine absences will be treated.

## What should employees who are quarantined be paid?

Any employee working from home during a period of quarantine remains entitled to their normal pay.

If an employee was required to quarantine as a result of work-related travel, it is highly likely that they would remain entitled to full pay.

Any employee who has taken annual leave to cover the extended quarantine period would be entitled to paid holiday in the usual way.

If an employee is flexibly furloughed and is within a furlough period, it is likely that they will remain entitled to the pay agreed for any furlough period. This is particularly the case if the employee could otherwise work from home. If the employee would be required to attend work premises but for the furlough, there could be an argument that they are not ready, willing and able to work; however, it is likely that the employer would need to formally lift the furlough to be able to rely on this and we'd suggest that specific legal advice is sought in such cases.

Employers will also need to be mindful of whether the employee is self-isolating under any other category – for example, because someone in their household has fallen ill, or because they have been advised to self-isolate by public health authorities due to contact with a positive case. In such cases, the individual would be entitled to SSP ([our SSP FAQs can be found here](#)) and potentially company sick pay.

Any employee who has agreed a period of unpaid leave will not need to be paid.

If an agreement as to the treatment of any quarantine period for an employee who would otherwise be expected to attend work has not been reached in advance, employers may wish to seek legal advice on the particular circumstances before deducting or withholding pay.

## What if an employee becomes ill abroad or otherwise cannot travel back?

Generally speaking, the employee should be treated as if they are on sick leave. If they were on annual leave then they may choose to remain on annual leave (and can ask to extend that period) but they cannot be forced to take annual leave for any period when they are ill.

If they are not in fact ill but are required to quarantine abroad or are otherwise delayed in travelling back, then the above quarantine responses will be relevant; employees may not, however, have sufficient annual leave to cover both a quarantine period abroad and on their return to the UK.

## Contact

Mark Hickson

Head of Business Development

[onlineteaminbox@brownejacobson.com](mailto:onlineteaminbox@brownejacobson.com)

+44 (0)370 270 6000

---

## Related expertise

Services

Employment