

Coronavirus employer penalties

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 come into force today. Find out what it says here.

28 September 2020

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

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 come into force today. Amongst other things, these Regulations impose financial penalties on employers in England who know their employee/worker is meant to be self-isolating but who knowingly allow that employee/worker to attend any place other than the place designated as where they will self-isolate. How will the employer know that someone should be self-isolating? The employee/worker is now under a legal duty to inform their employer that they are required to self-isolate and the dates of this period.

The requirement to self-isolate under these provisions will apply when the employee/worker is notified by means other than the NHS Covid 19 smartphone app that: (i) the employee/worker has tested positive for coronavirus pursuant to a test after 28 September 2020; (ii) the employee/worker has come into close contact with someone who has tested positive after 28 September 2020; and/or (iii) they are required to self-isolate after certain international travel in accordance with The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (referred to as quarantine). This does not, therefore, cover employees/workers who have developed symptoms of coronavirus but who either have not been tested, or not yet received their results; however, clearly, employers will have other health and safety-related incentives (as well as social obligations/reputational issues to consider) to ensure that symptomatic employees/workers are not spreading illness round the workplace.

The financial level of the fines on both employers and employees/workers are pitched at the same level – between £1,000 and £10,000, depending on the number of fines issued. The government is clearly hoping that this “stick”, together with the “carrot” of the £500 Test and Trace Support Payment for those on lower incomes and who lose money as a result of self-isolation, will be enough to incentivise self-isolation, rather than relying on “civic duty” alone.

Contact



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

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