

COVID-19 travel quarantine: employment rights

The Government has published guidance for employees and employers on employment rights when self-isolating on arrival to the UK from countries not on the travel corridor list. We explore what employers need to know below:

- Individuals coming into the UK, bar a short list of exemptions, have been required to self-isolate for 14 days since 8 June 2020 due to the high cases of coronavirus reported globally.
- The list of exempt countries was published on 3 July 2020 with some countries having been added or removed since.
- On 14 August 2020, the Government outlined how employers should approach the situation where an employee has to self-isolate upon return to the UK from countries not on the up-to-date exemption list.
- This includes working from home during isolation periods where possible, which should ideally be discussed prior to travel.
- Employers should also consider telling employees to take the isolation period as annual leave, giving enough notice – notice should be twice as long as the leave they want the employee to take – or unpaid leave for family emergencies requiring travel.
- Where employees are already abroad when the country they are visiting is removed from the exemption list, employees should be getting touch with employers as soon as possible to discuss viable options, especially as SSP is not payable in cases like this.
- The guidance also warns that employers may be liable for unfair dismissal claims if they dismiss employees who have had to self-isolate, but that a tribunal will consider all the relevant facts around the dismissal.

France removed from travel corridor list

On 14 August, France was removed from the list of quarantine exempt countries. This means that travellers who are returning from France will need to quarantine for a period of 14 days upon their return to the UK. Employers will need to take steps to manage this situation, ranging from homeworking to the taking up of annual leave.

Did you know?

Employees will have no recourse to Statutory Sick Pay (SSP) if they self-isolate upon return to the UK from non-exempt countries. However, if employers wish to pay SSP to employees, they will not be able to recover it from the SSP Rebate Scheme.

Just Eat to stop using Gig Economy workers

Just Eat has outlined that they intend to no longer use Gig Economy workers in Europe, but instead commit to taking on employees who are able to receive general workplace protections. Its chief executive, Jitse Groen, has expressed his belief that those who make deliveries on his organisation's behalf may work under tougher conditions.

Did you know?

The Gig Economy (GE) remains a point of contention in employment circles, with many expressing concerns that the flexibility it offers can also serve to deny individuals their basic worker rights. Many in the GE are more likely to have minimal protections from unfair treatment at work.

A dismissal with no procedure ruled to be fair

The Employment Appeal Tribunal has deemed a dismissal to be fair regardless of the fact that no procedure was followed. The claimant, who worked directly under a manager and was subsequently dismissed as a result of a breakdown in the relationship, recognised the breakdown and had not wanted to resolve the issues.

Did you know?

Procedure-less dismissals are rarely fair: this case turned on the basis of the procedure being futile, which will be pivotal in cases of Some Other Substantial Reason (SOSR) dismissals. Dismissals concerning conduct should still always follow the correct procedures.

As per government advice, employers should consider alternative options for employees who must self isolate, and take specific advice before taking any action. Our 24-hour Advisory Service is on hand to provide up-to-date guidance on this and more.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.