



## UK's exit from lockdown: a disunited kingdom?

By **Caroline Baker** - 15 May 2020

From 13 May 2020, the release from lockdown has begun in England and we have the proposals for the phases of return. The United Kingdom is now not only Brexiting, but splitting from within in how it deals with Covid-19 and exiting from a draconian lockdown: Wales, Scotland and Northern Ireland must continue to "Stay at Home", whereas those in England must merely "Stay Alert".

### Work from home if you can but go out to work if you can't

What does this change mean? Workers in England are still being encouraged to work from home rather than their normal physical workplace wherever possible. However, where workers cannot work from home, they are now being actively encouraged to return to work. The only exception to this is workplaces such as hospitality, non-essential retail and personal care (beauty and hair) which the Government requires to remain closed.

The Government is urging those who are working otherwise from home to avoid public transport wherever possible which will mean more journeys to workplaces are taken on foot, by bike or by car.

Currently schools across the UK remain closed (except to the children of keyworkers) which is placing a great strain on working parents who are forced to juggle a new teaching role in amongst working from home.

### Eight Workplace Specific Health and Safety Guidelines Published

Employers have a duty to assess and manage risks to safety in the workplace. Employers are also required to consult with their employees about their health and safety risk assessments and it is a criminal offence not to do this.

The Government has published new "[COVID-19 Secure](#)" guidelines which provide eight workplace type specific guides on new considerations for health and safety set ups in light of Covid-19. These are designed to help employers make adjustments to the workplace to help maintain social distance. They provide various suggestions from changing shift patterns and rotas to match employees with the same team each time and splitting employees into smaller, contained teams, to seating arrangements in offices becoming back to back rather than face to face.

## PPE

The UK's position on facemasks has been a constant sort of discussion throughout the crisis and has recently changed to advise that people should aim to wear a face-covering in enclosed spaces, for example on public transport. However, to avoid a strain on the already challenged supply chains to the national health service, it does not advise employers to require employees to wear face masks at work unless they ordinarily wear PPE (although employees should be permitted to do so should they wish).

## Small but appreciated changes to lockdown life

People are now able to drive to outdoor open spaces irrespective of the distance and mix outside (maintaining social distancing) with a single member of another household. In addition, in a hugely popular move for sports fans, individual sports have been allowed to resume with golf courses and tennis courts seeing a flood of (hopefully appropriately socially distanced) players. With the science now suggesting that the risk of transmission outdoors is much lower than in confined spaces, the UK's approach has been to focus on permitting more outdoor activities to allow lockdown to be more sustainable over the longer term.

## International arrivals required to self-isolate

The UK is going to introduce measures as soon as possible to reduce the possibility of transmissions being reintroduced from abroad. Travellers into the UK will be required to supply their contact and accommodation information. In addition, those international arrivals not on a shortlist of exemptions (with business travellers potentially treated more favourably) will be required to self-isolate in their accommodation for fourteen days on arrival into the UK. Where international travellers are unable to demonstrate where they would self-isolate, they will be required to do so in accommodation arranged by the Government.

## Schools, non-essential retail and sporting events

The Government's road map document focuses on greater freedoms and changes then being achieved by bolstering the UK test and trace capabilities which have been the subject of some international ridicule and perhaps go some way to account for the UK's particularly significant death toll.

Depending on the UK's test and trace capabilities and the current alert rating, some or more of the following steps may take place from 1 June and organisations are asked to prepare accordingly:

- A phased return for young school children and those with key exams next school year
- Opening non-essential retail (however hospitality and personal care sectors will still be required to remain closed)
- Permitting cultural and sporting events to take place behind closed doors for broadcast
- Re-opening more local public transport in urban areas, subject to strict measures

There is also contemplation of how some limited social mixing could be allowed between households possibly based on a New Zealand style model of household "bubbles" where a single "bubble" is the people you live with and two bubbles being allowed to mix. As well as greater social interaction, this would allow for shared childcare between households which would ease the strain on working parents.

## Hairdressers and hospitality

Phase 3, which will happen no earlier than 4 July, will involve opening some of the remaining businesses and premises that have been required to close including personal care (such as hairdressers and beauty salons – people of Instagram rejoice), hospitality, public places (such as places of worship) and leisure facilities (like cinemas). Again, such businesses are required to meet the COVID-19 Secure guidelines.

Given the difficulties of re-opening these higher risk type businesses and public places, the Government is planning to carefully phase and pilot the re-openings to test their ability to adopt the new COVID-19 Secure guidelines. It also plans to learn from other countries around the world who are re-opening similar establishments ahead of it. No doubt we will see further guidance for these businesses once they are permitted to open.

## Certain uncertainty

The Government's proposals for its road map out of lockdown have been widely criticised as being unclear. However, the progression of this crisis and managing it is full of unknowns, with a vaccine or treatment being possible within a few months or may indeed never be found. What will happen is anyone's guess.

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If you need guidance on employment issues related to Covid-19, please contact your usual GQ|Littler contact or [\[email protected\]](#).