



31.03.2020

KEY ANNOUNCEMENTS

Minister for the Cabinet Office, Michael Gove, led the government's daily update with the focus being on the progress of the virus so far and the plans for increased testing and supply of lifesaving equipment.

The main announcements were:

- The rate of infections were starting to plateau but that we were not “out of the woods” yet and must not become “complacent”.
- The next week or two will be “critical”.
- Ventilators are being manufactured with the assistance of the private sector. These will be going out to hospitals next week.
- Ventilators are also being purchased from abroad, including the EU.
- A “UK position” is being developed, with the assistance of the Army, to improve the distribution of PPE to ensure it goes where the critical clinical risk is.
- Employers should ensure they are following Public Health England's guidance if they still require their employees to come into work.

LEGAL IMPLICATIONS

EMPLOYMENT

1. Has the Government changed its position on who should go work?

No.

Today, Mr Gove reiterated that “wherever possible people should work at home”. The government is therefore still allowing non-key workers to travel to work as long as they are unable to do so from home.

We have stated in previous bulletins (see 24.03.20 bulletin (evening edition)) what employers need to be conscious of if they are requiring employees to still attend the workplace and that they must follow the government’s health and safety requirement. Further, Regulation 6(1)(f) of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 states that a person can only leave their home:

“to travel for the purposes of work or to provide voluntary or charitable services, where it is not reasonably practicable for that person to work, or to provide those services, from the place where they are living.”

Breaching this regulation is a criminal offence. Employers should be extremely conscious of this provision and whether it is not “*reasonably practicable*” for their employees to work from home. They may find themselves vicariously liable for their employees’ wrongdoing, which could lead to a hefty fine if multiple employees are still attending work when they could reasonably be working from home.

From the rest of the day:

Business

2. Are the government and local authorities strictly enforcing the closure of non-essential stores and places where people eat and drink?

Yes.

Colchester Borough Council have issued a pub (“The Bonnie Blue Oak”) with a prohibition notice to close their premises. Councillor Mike Lilley of the Colchester Borough Council stated that the pub faces the “potential of an unlimited fine if they fail to comply with notice, as well as the possibility that we will review their licence.”

This should come as a stark warning to businesses to not attempt to flout the Health Protection Regulations. Councils will be quick to take action and no doubt fines will be severe to both act as a deterrent and to represent the risk to human life such businesses pose. Businesses also face the long-term consequences of licence revocation.

DISCLAIMER

The above is not intended to be legal advice. Specialist advice should be sought for individual cases where necessary

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