



ACHIEVING MORE TOGETHER

Your questions answered on Furlough, Home working and mental health during and more in lockdown!

By

Jodie Hill

MD and Solicitor at Thrive Law

FOLLOW for live updates and videos: @iamjodiehill on twitter and Instagram

Updated 30 April 2020

Coronavirus, Covid-19 and the resulting lockdown has impacted the employment landscape, and there have been changes introduced which have far-reaching consequences and have required quick action from employers. These notes are intended to provide a short guide on the employees' rights arising from coronavirus, and how an employer could and should respond, and what their obligations are and are only up to date as of the date of this document.

Sick Pay and Self-Isolation

Coronavirus inevitably means that more people will be off sick from work. Unlike general illness, coronavirus has specified timescales for isolation of both the effected individual and the rest of the household. The Government Guidance (as of 30 April 2020) is that:

- *if you live alone and you have symptoms of coronavirus illness (COVID-19), however mild, stay at home for 7 days from when your symptoms started.*
- *if you live with others and you are the first in the household to have symptoms of coronavirus, then you must stay at home for 7 days, but all other household members who remain well must stay at home and not leave the house for 14 days.*
- *for anyone else in the household who starts displaying symptoms, they need to stay at home for 7 days from when the symptoms appeared, regardless of what day they are on in the original 14 day isolation period.*

Initially, these changes were brought into place when people were still expected to be attending workplaces as normal. Given that employees should now be working from home unless it is impossible not to, the typical initial response where people are required to isolate with their household is that this should continue to be possible where they are working from home. Only where employees are key workers or their continued attendance at work is required, will the isolation have any real impact on their employers.

0113 869 8101

enquiries@thrivelaw.co.uk

www.thrivelaw.co.uk

Thrive Law, Leeds
15 Queen Square
LS2 8AJ

Thrive Law, London
85 Great Portland Street
First Floor
W1W 7LT
(Appointment Only)

However, those who are unwell, whether working from home or not, should be encouraged to take time off for sickness when they are too unwell to work.

An employee will be required to certify themselves as sick ("self-certify"), in accordance with the employer's sickness policy for the first 7 days. After 7 days the employee must obtain a sick note; this was previously obtained from a GP, but new changes mean that a sick note can be obtained from 111 online as well, to reduce unnecessary contact.

Thrive and Thrive Law are trading names of JLH Legal Limited. JLH Legal Ltd | Company No. 10737027 | VAT No. 285 3129 91 | SRA No. 644790.
Authorised and regulated by the Solicitors Regulation Authority. Registered Office: 15 Queen Square Park, Leeds, West Yorkshire LS2 8AJ

The usual sick pay provisions will apply if those are contractual, meaning that employees will need to check their contract and if they have contractual sick pay this will kick in. If not, Statutory Sick Pay ('SSP') will be paid, if they are eligible, from day of isolation or sickness. The eligibility requirements are that an employee must:

- be classed as an employee and have done some work for their employer;
- earn an average of at least £120 per week.

SSP is currently set at £95.85 a week (since 6 April 2020) and, since 4 March 2020, sick pay entitlement has been available from the first day of sickness (previously, the first three days were unpaid). This is expected to result in an extra £40 for people receiving SSP.

The Government will reimburse a company's SSP costs for up to fourteen days of sickness, per employee.

Where a person is legally required to isolate, as a household member, they will also be able to receive sick pay from an employer. They can obtain "Isolation Notes" from 111 online. Their entitlements and payments are the same as if they were unwell although, for the reasons outlined above regarding working from home, this is now unlikely to be necessary in most working environments.

Those employees "shielding" for 12 weeks will also be entitled to SSP – or furlough depending on what's agreed with the employer. But not both at the same time. Only the first 14 days is recoverable so we are advising to put those employees on furlough.

Working from home

As above, everyone should be working from unless it is impossible not to; this has changed, guidance wise, as the initial requirement was only that people work from home **where necessary**. But, now, the requirement is that people work from home **unless impossible**.

Impossible doesn't mean where an employer simply doesn't want to facilitate working from home. We are seeing increasing cases where employees have brought up their concerns about an employer unreasonably refusing working from home where it would be possible to do so. This may amount to whistleblowing where an employee has raised it in the context of concern about the workforce's public safety, as well as the rest of the public.

There are a few concerns which an employer should consider when fulfilling the requirement to work from home:

- **Health and Safety**
Under statutory regulation and implied terms, an employer must ensure they are providing a safe system of work for their employees. This can be achieved by simply asking employees if they are able to work from home and if they have any objections or any requirements/adaptions that they may need to make.

We suggest conducting a working from home risk assessment and a DSE assessment virtually to ensure you have complied with these legal obligation (we can help you with these if you need support).

- **Providing Equipment**
Depending on the sector of employment an employee is in, equipment may need to be supplied (by the employer) in order for an employee to carry out their role from home efficiently. This may be difficult in some industries, and we know there have been national shortages due to high demand, but the majority of employees should simply require a laptop, a phone and in some cases a printer, where possible.

In the instance that an employer requests employees to use their own equipment in order to work from home, such as a personal laptop, if an employee refuses to do so, then this request could be deemed as a reasonable and lawful order under current circumstances by an employer. An employee's refusal on these grounds could become a disciplinary matter that would be dealt with by a written warning or ultimately dismissal for conduct or some other substantial reason, but each case would be taken on its merits.

Further equipment may be identified from the risk assessments.

- **Paying for Use of Home Services**
An employer may be expected to contribute towards any additional costs an employee may incur whilst using their home as a temporary office – this may include materials such as ink, paper etc. An expenses clause or working from home policy should make it clear if an employer is liable for this.

[Find out more about homeworking expenses on GOV.UK.](#)

- **Consider employees skills and job role**

Can they do all of the job from home? If not, how are you going to adjust this? You must, where the terms of employment are varied, agree this in writing. Set clear objectives and deadlines, like you would if you were in the office and it still monitor performance.

- **Monitoring Staff**
Employers will still want to monitor their staff's output whilst working remotely. You need to strike a balance of monitoring and ensure it doesn't amount to micromanaging.
- **Communication**

We suggest encouraging facetime and video calls and avoiding overload in emails. Emails can be less productive and if they replace office conversations can cause more admin and reduce the contact time people have. We suggest daily catch ups between teams by call or video. We are also implementing a weekly team video meeting where we can deliver updates rather than sending a mass email out. And have WhatsApp group for different teams where we encourage voice notes, as it actually feels like you are having a conversation.

Ways you can do this are setting up regulars video calls, finding ways of working that work for you and your team. This will vary between businesses and between teams. Use tech, embrace it!

- **Mental health**
It's more important now than ever that we consider this both for our self-care and especially those home working and adapting to change.

Its thrust upon us – many workplaces said they couldn't and wouldn't allow many staff to work from home and are eating their words now.

Whilst working from home has many benefits. Working from home can create social isolation which can lead to increased symptoms for depression and anxiety; an employer should bear in mind the health and wellbeing of their employees and encourage them to take breaks (outside, where impossible) and look after themselves.

We suggest conducting wellbeing risk assessments which we can assist with and recommend who we use, just get in touch so I can make the introduction for you.

- Working with children at home

It used to be that, where an employee applied for working from home, they could legitimately be required to explain their childcare requirements and assure their employer that they would not be both caring for children and working at the same time. However, these are extraordinary times, and in the current circumstances we recommend exploring this with staff, where they are willing to.

Where they have a partner at home too, they could perhaps split the childcare or timetable it between them so they can guarantee a certain number of hours each day. Where the children are older this may mean they can timetable some time to work from home and then work when they are in bed etc.

This is all subject to agreement with the employee, but where people can't afford to take unpaid leave and where business can facilitate home working, we are encouraging employers and employees to think outside the box in these unprecedented times, to come up with ways to continue working on a temporary basis.

Employees with childcare obligations also fall within the new furlough guidance (further details below) in that employers can legitimately furlough such employees and then seek the reimbursement of up to 80% of their salary. If they are struggling to work from home and manage childcare and home schooling, we would recommend taking advantage of the Scheme.

- Insurance

Employers should check their insurances cover staff working from home and should also encourage their employees to check their own policies as in some cases they must declare this to mortgage and insurance providers in the event of a substantial change.

- Data security

Working from home the data security might be different – you need to ensure you have the correct policies and procedures in place as fraudsters are mindful people working from home may not be on secure networks.

Ensure your processes are clear and communicated again to all staff whilst working from home.

Ensure you have fire walls and anti-virus software on all home working laptops etc.

Coronavirus Job Retention Scheme and furlough

The scheme will essentially pay some of the salaries for furloughed members of staff. The original guidance was that this was only available for employees who would have otherwise been redundant or laid off. It is now open to all employees provided the employer had enrolled them for PAYE online. The employee must have a UK bank account.

Any employee can be furloughed "by reason of circumstances as a result of coronavirus or coronavirus disease"; this therefore makes it clear that furlough can also be by reason of vulnerability or childcare, as well as to avoid redundancies (which was the initial guidance back in March).

Those individuals are then retained as employees, but 80% of the salary (up to £2,500, including previous overtime, fees, compulsory (contractual) commission – but not tips, discretionary bonuses or commissions, or benefits in kind) will be paid for, for 3 months, by the Government under this Scheme. Once furlough ends, they will go back to work as normal, provided there is a role of course!

The employer cannot claim for any salary which is "conditional on any matter"; this means that those employers who have previously made furlough conditional on HMRC paying out under the Scheme may now be excluded.

It is a grant so is not repayable by the company (although, as you probably already know, it is taxable income).

The current guidance is that all UK businesses will be eligible. The dates for employees to qualify for the Coronavirus Job Retention Scheme has recently changed to 19 March 2020. To be able to claim, an employer must have created and started a payroll scheme and the employee had to have an RTI on or before 19 March. The qualifying date, when the employee has to have been on the employer's payroll, has changed from 28 February to 19 March 2020. This helps some "new starters" be eligible for furlough.

There's some debate about this due to the inconsistencies in the various guidance but we have been advising from an employment law perspective that an employer will require the employee's written consent, as their status will change to a "furloughed" employee. This is because the employee is entitled to work and be paid in full unless agreed otherwise. Simply placing them on furlough, in the eyes of the employment law could be a breach of contract. The safest thing to do, which all of our clients have successfully done is set this out in writing, so you have a paper trail. The employer and the employee must reach an agreement and an auditable written record of this agreement must be retained. It does not necessarily follow that the employee will have provided written confirmation that such an agreement was reached in all cases. HMRC say this should be retained for a period of 5 years available for HMRC inspection.

An employer will also be able to choose whether the employee only receives the Government subsidised 80%, or whether the employer meets the cost of the additional 100%. If the intention is for the employer to receive only 80% of their salary then an employer will, again, need to obtain their written agreement to such a decrease in salary.

In terms of minimum wage, employees are only entitled to national minimum wage for the hours they work so, as those employees will not be working, there are no minimum wage concerns with the 80% payments. However, they are entitled to be paid NMW for any time spent training (as above).

Whilst furloughed, employees cannot work for their employer or do anything which generates revenue for the employer, but they can volunteer, and they can undergo training (as long as they are paid national minimum wage for time spent training). However new guidance makes it clear; an employee who has been furloughed CAN work for another employer. This means they can earn 80% from furlough, and 100% in a new job.

Where an employee works under two different part time contracts for the same employer, we would advise against furloughing one contract and not the other. This is because the employee cannot do any work for their employer - the employee would still be performing work for their employer under the other contract so they may run the risk of breaching the requirements not to work for the employer and therefore jeopardising any/all claim(s) by the employer under the Scheme.

Employees can be furloughed multiple times, provided that each period of furlough is at least 3 weeks. So, if you/your clients want to rotate furlough to keep a core team always working this is now possible. Furlough must be for a minimum period of 3 weeks but there is no minimum period for return. You just need to ensure that you have the employee's agreement to furlough, each time.

There is some confusion about employees who resigned, whose new jobs have been delayed. Some guidance online has indicated that they may be able to ask their former employer to reinstate them and then furlough, which is true, as employees who were on payroll on 28 February but stopped working or were made redundant before 19 March 2020 can still qualify if re-employed and furloughed. Similarly, where an employee has been made redundant, they can be reemployed and furloughed. However, the employer is

under no obligation to do so. We are concerned that doing so may jeopardise an employer's otherwise legitimate claims under the Scheme.

The other risks of doing so is that:

- That person could then build two years employment, meaning they then can only be dismissed after a fair process and a fair reason;
- HMRC might not reimburse the salaries. Unfortunately, there's still not complete clarity over whether re-employed employees will be suitable for the Scheme. We are concerned that doing so may jeopardise an employee's otherwise legitimate claims under the Scheme.
- You would have to fund this yourself, and then seek reimbursement thereafter, unless they agree to defer their salary.
- Where someone was dismissed for gross misconduct or who have resigned, employers should be very careful if taking them back, as the risk is on the business.

In conclusion, if someone approaches an employer and asks to be re-engaged and furloughed, and that employer says no, they are entirely entitled to do so. The only risk may be that they could be subjecting them to a detriment (if they have blown the whistle or they suspect it's due to a protected characteristic (like age race, sex pregnancy disability etc). This risk is very small, but employers should consider the circumstances in which they left and go from there.

Again, we would suggest re engaging them only for furlough and having an agreement to reflect this. In terms of any payment made on their previous dismissals, the employee may come to an agreement to repay this or hold onto it if they are agreeing to be dismissed at the conclusion of any furlough period.

Thankfully the guidance has now been updated to what we interpreted would be the case. Holiday continues to be accrued (as all terms and conditions remain in place) and employees can take leave at the same time as furlough, it doesn't break the furlough and the employer can claim 80% back.

Our initial thoughts and interpretation of the rules were that, due to the uncertainty, we were advising that employees either don't take annual leave during furlough, or that employers pay them 100% of their salary for the bank holidays until more clarity is provided. There was no reason to think, at this time, that the employer cannot recover 80% of the basic salary from the government as part of the Job Retention Scheme. This would mean the employer would only be paying at 20% for annual leave, as well as any additional bonuses or commission so that the employee receives 100% of their entire wages.

This was all confirmed as correct in the updated guidance!

All that, however, is only for the first 4 weeks of annual holiday. For the remaining 1.6 weeks (or more if the employee is contracted to more holiday) there is an argument that the employer need only pay 80% but we think the more likely position is that the employer will still need to top up the furlough payment to normal basic salary averaged over the 52 weeks but excluding the bonus and commission element. This is because this is contractual entitlement so can be varied. However, seems an academic point as most people are still in the first few weeks of their annual leave year.

This means that given that employees are entitled to bank holidays as usual, whilst furloughed, and those employees should also be remunerated for 100% of their salary for those bank holidays.

We have written about this here: <https://www.thrivelaw.co.uk/2020/04/02/furlough-and-annual-leave-how-does-it-work/>

It is worth noting that employees can now carry up to 4 weeks' annual leave over a 2-year period if it was reasonably impracticable for them to take their leave this year due to COVID-19. Examples of why something might not be reasonably practicable includes:

- After the crisis is "over" the workload is so high that an employer needs "all hands on deck" and therefore would prefer people not to take holiday;
- Employees are still recovering from Covid-19 and are on sick leave;
- The employee is too busy at work to take annual leave;
- The crisis lasts longer than expected and runs into the next holiday year.

Short-time and lay offs

It is helpful to think of short time working and layoffs as reserving the right not to pay or to vary pay to employees, even if they're ready and willing to work.

A layoff is, in practice, a form of temporary redundancy (without the redundancy payment), whereby an employer informs their employees that they no longer have work for them, and as such they may be directed to stay home on unpaid leave (or sometimes paid – depending on their contract), this should be only for up to 4 weeks.

Short time is where an employer indicates that they have less work available than anticipated. This could mean that employees may have to work less than regular contracted hours (for example a three-day week). That employee's salary would then be pro-rated in accordance with these amended hours.

In order for an employer to enforce the above, there should be an express contractual clause within an employee's contract, stipulating that they may be subject to be laid off or put on short time, if required. The term cannot simply be implied, unless there is a custom and practice of laying people off in that particular business/sector and the terms in doing so are clear. They should take specific advice before doing this where they are not sure, to reduce the risk of any claims against the business.

Even where they do have these clauses, an employer must exercise these with reasonable care and skill. Make sure you speak to staff, explain what this means to them, how long it will last, what they will be paid (if anything) and set a review date, if possible.

If an employer sends an employee home on this basis (whilst unpaid) and their contract of employment does not include a layoff or short time clause, there's a good chance of this being a potential constructive dismissal claim (if they have been employed for more than 2 years).

An employer should bear in mind the time limits when an employee is laid off or put on short time:

- If an employee is laid off or put on short time for a period of 4 consecutive weeks or for 6 weeks in a rolling 13-week period, an employee is entitled to treat themselves as dismissed on grounds of redundancy. A payment for statutory redundancy will be made available but only if the employee in question has been employed for more than two years. If an employee qualifies, they must send a letter within 7 days of hitting the mark (in relation to the 4 consecutive weeks or the 6 weeks in a rolling 13-week period) stating that they intend to claim a redundancy payment.
- If no action is made within 7 days of an employer receiving their letter, an employee is entitled to resign within the space of 3 weeks from there onwards. However, an employer could serve a counter notice within 7 days of receiving their employees' letter. This counter notice would be based on the condition that within the next 4 weeks, an employee could expect to return to normal working hours for at least 13 weeks. This would, in turn, stop an employee from getting their redundancy payment.

- If an employer was not true to their word regarding the employee's working return, an employee can approach an Employment Tribunal to dispute this in order to decide if they may get a statutory redundancy payment.
- If an employer files for a counter notice without believing this to be true, with the intent to avoid paying statutory redundancy payments, an employee could resign by way of breach of mutual trust and confidence; this would allow them to claim both constructive dismissal and the redundancy payment. In terms of additional compensation, this is unlikely to be awarded as the basic award will be the same as an employee's redundancy award which they would/should have received.

There are other options available to employers; we would advise that the best approach would be to reduce working hours as a short term measure and agree it with staff on a temporary basis; it should be explained that this is a precautionary measure to avoid companies having to make redundancies and ensure that everyone can continue to be in receipt of their salary/wages, albeit it a slight deduction which should be understandable given the current situation. We suggest agreeing reviews as the situation develops and clearly communicating this to the team.

Employers should also consider that people could be eligible for furlough instead of short time working and lay offs, and this may also be the case where an employee is vulnerable, or as a result of childcare obligations. A different approach could be to ask employees to take annual leave and it may be possible to offer early retirement to volunteers (subject to complying with age discrimination provisions).

Vulnerable employees

Broadly, employers have a duty to protect all employees and when carrying out any risk assessments employers should identify employees who are particularly at risk including older employees, and those with pre-existing medical conditions such as respiratory problems, asthma, immunocompromised people or those with heart problems who are more vulnerable to serious complications of the virus. Those with certain conditions are likely to have already been instructed to "shield".

In line with the latest Government Guidance, employers should support these employees in working from home unless this is impossible. If an employer isn't doing this, they may be at risk of employees (whether vulnerable or not) raising grievances. If they are raising concerns about health and safety or the employer's breach of any legal obligation, they will potentially be protected by whistleblowing legislation. They then can't be subjected to any detriment as a result of raising that concern.

If it's not possible to work from home, employers should make arrangements for these employees to remain at home by some method. Recent updates to Government guidance has made it clear that these people can be furloughed.

Where an employee refuses to isolate, an employer would be able to insist they don't attend work but would have to pay them in full unless they agree otherwise (e.g. they are eligible to be furloughed). An employer could insist that they use annual leave to cover this time, but should be wary (again) of potential discrimination claims if that employee is therefore more disadvantaged as a result. If the employee insists on attending work, all the same, this could be a failure to follow reasonable management instructions and the employee could be subject to disciplinary consequences.

If disabled employees are at a disadvantage because they are more likely to suffer serious complications from an infection, then the employer has a duty to make a reasonable adjustment which may include home working, even where it has been deemed impossible across the wider workforce. Some employees who cannot to do their job from home may be able to show that it would be a reasonable adjustment to allow them to take time off from work.

An employer should also be wary of discriminatory behaviour which affects other protected characteristics, for example refusing work from home arrangements to people despite them being elderly or pregnant, and therefore being more vulnerable at this time, or insisting that they use annual leave when other employees are not being required to so.

In terms of the household, the Government Guidance should be leaned on, in that all employees should be working from home unless it's impossible. If it's not possible, those who are living with the vulnerable do not necessarily have any legal protection or recourse. They can ask to be furloughed, but the employer is not obligated to allow this. They can also ask to take annual leave or unpaid leave, but otherwise it would just be a process of practicing good hygiene when returning from work, as a failure to attend work without a valid reason could result in disciplinary action.

Health and Safety

As above, employers have a duty to ensure that employees are safe, and this extends to reducing the risk of them catching coronavirus.

Employers should ensure that employees are maintaining social distance (of at least two metres), provided with the necessary protective equipment, and facilities to wash their hands regularly.

The main way to satisfy most health and safety requirements at this time would be to allow employees to work from home unless impossible. Where employees are being forced to attend work, they may have protection should they refuse to attend; employers should be very hesitant to dismiss people where they raise concerns about their health and safety. This for two reasons:

- Whistleblowing protection
If an employee is dismissed a result of raising legitimate concerns, which are in the public interest, this is an automatically unfair dismissal.
- Health and Safety Dismissal (S100 Employment Rights Act)
A dismissal for health and safety reasons is automatically unfair and an employee also doesn't require two years' service to be able to claim this dismissal. If the "*principal reason for dismissal is that in circumstances of danger where the employee reasonably believes those circumstances of danger to be serious and imminent and one which they couldn't reasonably be expected to avert, if they leave their workplace, or while the danger persists refuse to return to their workplace then it is an automatic unfair dismissal*".

This arguably especially applies for vulnerable employees who refuse to attend work due to genuine concerns about their health safety at work.

Mental Health

At Thrive, we specialise in mental health and wellbeing at work. Therefore, we have specific concerns about the wellbeing of the workforce. People have increasingly growing concerns, and quite legitimately so, especially for family members and friends, particularly pregnant, elderly or otherwise sick. We are living through an unexpected and potentially revolutionary moment, so if you are feeling anxious, that's normal, but it is important for us all to try to control our anxiety and not let it become disproportionate.

We have a few tips which we have put together, for how you can care for your mental health at this time:

- Keep informed, but not overwhelmed
Unfortunately, the nature of the pandemic means that some of the more common questions: How long will it last? How bad will it get? They're simply unknown at this stage.

It's easy to turn to the internet and social media in the search for answers and more information, but that can become overwhelming and, for those with anxiety issues, perhaps addictive. You can get consumed by the internet, looking for the reassurance that unfortunately just isn't there.

For that reason, you need to be aware of yourself and how you're processing information, and wary of news and social media. Worry is warranted, additional hysteria from opinions and misinformation is not.

The near-constant stream of news reports about outbreaks is difficult to censor, some are good and others are not. 'Breaking news alerts' are likely to worsen your anxiety. Although you are likely waiting for positive news, take some time away from your internet, mute certain words and notifications, look into other content that interests you.

- Wellbeing risk assessments

We hear talk of DSE assessments etc but we must also consider conducting regular wellbeing assessments. All of my team complete this every three months and each employee gets a self-care report of how they can improve their own wellbeing. The assessment we use is completely anonymous meaning the staff are really open and they love getting their report to assist them. It's been updated to account for COVID and home working too!

As an employer, we get a company report which identifies the main causes of stress, assesses if anyone is suffering with anxiety and depression, but it goes wider to musculoskeletal and immune system too. This allows the business to then focus on where the training and support is needed for their team. This will have shifted massively from only two months ago, so we highly recommend you assess the needs of your staff before investing in training.

- Communication is key

Use video calls and check in with each other. We have daily scheduled calls between the team and myself but also team meetings each week on video.

Employers should ensure they have all the usual precautions put in place for those with declining mental health; Mental Health First Aiders and appropriate professionals should be signposted accordingly.

- Training and wellbeing initiatives

At Thrive everyone is mental health first aid trained but also trained as mental health champion, using a new online training platform we have co-created with leading medical experts.

It may also be beneficial for employers to try to introduce more wellbeing initiatives, to encourage employees to (for example) take a yoga class, go for a walk without a mobile device and get some fresh air once a day (if possible), rather than constantly talking about the pandemic.

We have the new Thrive Wellbeing portal with training, templates and guides and videos in MAY email me if you want early bird access and big discounts for this.

- Self-Care in Self Isolation

For some people, their self-care and maintenance of their good mental health might rely on being able to go outside; go walking, get fresh air, go to the gym... But what happens when that is no longer possible?

We live in a technologically advanced era and, even from inside our houses, we should endeavour to contact each other and check in on each other. It's important not to emotionally isolate, as this does more harm than good.

Employees should be encouraged to relax and by relax, we don't necessarily mean just chill on a sofa and catch up on TV series, although that is a legitimate use of your time if you wish. You might also want to consider taking time to practice mindfulness, have a bath, create a journal. Being productive might help in making you more positive. Equally doing nothing might be how you relax. Encourage people to do what makes them feel good – it's not a competition!

If you can't get to the gym, there are plenty of YouTube videos and apps which can provide for a great work out within your own living room. Lots of gyms are putting on free classes virtually! Why not have a team wellbeing afternoon – virtually!

- Employers should also consider wellbeing initiatives across the workforce, not just as a response to this crisis but to facilitate good mental health across the organisation.

For those with mental health conditions such as anxiety or OCD, this time may be particularly difficult. Employers should bear in mind that these conditions may be disabilities under the Equality Act 2010, and therefore be especially hesitant to place those employees at any detriment.

Unfortunately, it's not going to be an easy time for many people, especially those with mental health issues, including anxiety. Just remember we all have to look after ourselves but also let's look out for each other. Reach out to those who are especially vulnerable or lonely. Be kind.

If you have any questions arising from these notes, please do not hesitate to get in touch with us at coronavirus@thrivelaw.co.uk

I have done several videos on IGTV and my YouTube channel on some of these issues and more please take a look and subscribe for up to date information as it arises.

Here is the link <https://youtu.be/iPeJwdzZqEc>

With many thanks



Jodie Hill
Managing Director & Solicitor

Anything within these notes should not be taken as legal advice. Any information provided will be general advice and for reference purposes only. It does not constitute legal advice and should not be relied upon as such. Specific legal advice about your specific circumstances should always be sought separately before taking or deciding not to take any action. If you wish to obtain specific advice to your situation and your decisions, we will need to set you up as a client.