

Coronavirus – Businesses

New Welsh Government rules are now in force, which mean many businesses are now closed and people should work from home wherever they can.

Stay at home. Save lives. Protect the NHS.

The following places are now closed:

- **All retail stores selling non-essential goods**, including clothing and electronics stores, hair and beauty salons. These businesses are still trading online.
- **Pubs, cinemas and theatres**
- **Libraries, community centres, and youth centres**
- **Indoor and outdoor leisure facilities** such as bowling alleys, arcades and soft play facilities
- **Communal places in parks**, such as playgrounds, sports courts and outdoor gyms
- **Places of worship**, except for funerals
- **Hotels, hostels, bed and breakfasts and caravan parks**, excluding permanent residents, key workers and those providing emergency accommodation, for example for the homeless.

Other **non-retail businesses**, can stay open but to reduce the spread of coronavirus, wherever possible employees should work from home or maintain a physical distance between themselves and others. The following stay open:

- **Food retailers, including, supermarkets**
- **Off licences**
- **Pharmacies**
- **Newsagents**
- **Petrol stations**
- **Banks and cash points**
- **Post offices**
- **Funeral directors**

The regulations have been amended and from 7 April 2020 there is a general requirement to seek to maintain physical distancing in all workplaces.

This means all employers must take all reasonable measures to ensure a distance of 2m is maintained between people on their premises and waiting to enter their premises.

Maintaining a 2m distance between people, who are not from the same household, in the workplace is an important step in reducing the spread of coronavirus.

But wherever possible, people should work at home.

Questions – physical distancing duty in the workplace

Does the duty apply to all workplaces?

The duty applies to all workplaces, which remain open. But wherever possible people should work from home.

Workplaces includes public services, health and social care premises, childcare settings, call centres, hospitality centres, commercial and industrial premises, construction sites and other open sites such as roadworks and outdoor places including livestock markets.

The aim is to take all reasonable measures to ensure 2m is kept between anyone on the premises – except two members of the same household or a carer and the person being helped by the carer – to prevent the spread of coronavirus.

What do you mean by “all reasonable measures”?

All reasonable measures means taking proportionate action where it is possible to do so.

The aim is to help prevent the spread of coronavirus. If physical distancing can be achieved between people at work, this – together with other infection control actions, such as regular handwashing – will help to reduce the spread of coronavirus.

There is no hard and fast rule about what a reasonable measure is. This will depend on the workplace and the nature of the work being undertaken. It may also vary within the workplace.

It will be for a business to justify the reasonable measures they put in place and to demonstrate how they have considered these are proportionate.

Is there an exemption for those workplaces or businesses, which are critical to the response to the coronavirus outbreak?

The duty applies to all workplaces, which remain open. Many of these workplaces are vital and must continue to operate.

This is not about stopping work but is about doing what all businesses can within each work setting and each workplace to change the way we work to reduce the spread of coronavirus. **It is not about whether we work, it is about the way we work.**

Are healthcare facilities exempt from the duty?

The duty applies to all workplaces, which remain open. Many of these workplaces are vital and must continue to operate.

In a healthcare setting – for example, a dentist will not be able to stay 2m away from a patient when giving treatment. But a dentist can stay 2m away from a patient when they are not giving treatment and they can stay 2m from the dental nurse most of the time. These are reasonable measures.

Stopping providing treatment would not be classed as “reasonable measures”.

What kind of thing is a “reasonable measure”?

The precise nature of a reasonable measure will be specific to an individual workplace. They will reflect the physical environment and the nature of the business being conducted.

The following are examples of reasonable measures:

- Reducing the number of people working at any one time – this increases the space between people by reducing the total number of people in attendance.
- Increasing space between staff – for example on a production line leaving 2m gaps between people and indicating spacing with markings.
- More controlled use of rest space and entrances and exits – is there a congregation of workers at a certain time? Could additional space be provided or could break times be staggered?
- Making adjustments to the way work is done to reduce physical contact.
- Staggering shifts to minimise people on site and to reduce congestion during shift changes.
- Minimising the amount of close physical interaction

Are there situations when it will not be possible for people to stay 2m apart?

There will be circumstances when it is not reasonable to put measures in place to keep people 2m apart.

Employers will be expected to undertake an assessment before concluding there are no reasonable measures that they can take.

Examples of the types of situation include:

- Providing personal services, including in the home
- Tasks that require two or more people to undertake them safely, including heavy lifting or carrying dangerous chemicals, although there may be measures that can be adopted elsewhere in the workplace
- Education and childcare settings – especially where young children cannot understand the concept of social distancing and where the appropriate support from adult workers may require closer contact
- Where close contact is required between workers and the users of services, although again there can be measures in the wider workplace which would minimise the risk of transmission
- Where workers are required to travel together
- Where dual working is to ensure safety
- Working in confined spaces, for example repairing infrastructure for utilities

However, it is unlikely these circumstances would mean that no reasonable measures could be adopted at all. Employers and staff will be best placed to know what can be done.

If maintaining a physical distance of 2m is not possible could alternative measures be taken – for example such as installing screens between members of staff or between staff and customers?

The key purpose of the regulations is to minimise the risk of transmission of coronavirus.

Where contact or closer working is essential and can't be avoided, although this is not required by the regulations, it is important other measures are considered, for example:

- Physical barriers
- Improved hygiene and reminders about the importance of hygiene
- Washing hands well for 20 seconds with soap after close contact
- Ensuring people with symptoms are not present on the premises

Who is responsible for enforcing the duty?

The police and local authorities have powers to enforce the regulations.

A fixed penalty of £60 is payable for a first offence (this reduces to £30 if paid within 14 days but is doubled to £120 for a second a subsequent breach) but a person could be charged with a criminal offence and ultimately convicted and be required to pay a fine.