

Coronavirus outbreak at my place of work – what are my rights?



Your Questions Answered

This frequently asked question sheet provides guidance on your rights if there's a Coronavirus outbreak in your work.

For free, tailored advice on any of the issues discussed in this FAQ or any other aspect of employment law, please call (028) 9024 4401 and ask to speak to an employment adviser, or alternatively email employmentadvice@lawcentreni.org.

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There has been a coronavirus outbreak in my work. What should I do?

If there is a coronavirus outbreak at your work, your first responsibility is to ensure your own safety and the safety of others and to stop the spread of the disease.

If you think there is a real risk of being exposed to the virus, or you are particularly vulnerable to it, you should leave work and go home immediately. You should let your manager know you plan to do this, either by phone or email. Once at home, if you have been exposed to the virus, you should self-isolate (stay at home) for 14 days. If you develop any [symptoms of Coronavirus](#) during this time, you should book a test immediately – [you can do this online](#).

If the risk is not imminent, you are not vulnerable to the virus and / or the outbreak has taken place in a separate location / building from where you work with little chance of spreading, it may be best to wait for guidance from your employer on next steps and health and safety precautions.

What if I start to feel ill in work?

If you become ill with any coronavirus symptoms ([click here to view the current list of recognised symptoms](#)), you should go home. You should stay there and ‘self-isolate’ (stay at home) for ten days from when your symptoms started. If you live with others (family or housemates), they must also stay at home and self-isolate for fourteen days from this date. For healthcare advice or guidance, please use the [NHS 111 online Coronavirus service](#).

You should also self-isolate for 14 days if you live with someone who has Coronavirus symptoms, or if you have been contacted by the Public Health Agency to inform you that you have been in contact with someone with Coronavirus.

Should I report the outbreak?

You can report the outbreak, but please note that your employer has the main responsibility for reporting the incident. If your employer has failed to report the incident or has failed to put sufficient safety measures in place, you can report this anonymously to the Health and Safety Executive for Northern Ireland. To do this, you can fill in the

online form [here](#).

Making such a report would usually constitute a 'protected disclosure'. This means that you should be protected in law from suffering any detrimental treatment as a result of having made a report.

What can I expect my employer to do?

If there is an outbreak in your workplace, one of the first things your employer should do is to report the outbreak to the Health and Safety Executive NI (HSENI). HSENI will advise your employer on how to respond.

There is no single way to respond to an outbreak at work and how your employer should respond will depend on the size and layout of your workplace, how big the outbreak was and how many other employees, customers or visitors may have been affected. Your employer has a duty to ensure their employees are not at risk by attending work – as such, some or all of the following actions may be appropriate:

1. Temporarily closing the site

This would involve closing your workplace to workers, customers, and visitors for a set period of time. It will allow management to undertake a deep clean, carry out a risk assessment and to put in place additional safety measures.

2. Carrying out a deep clean

This involves thoroughly cleaning and sanitizing all frequently touched surfaces throughout the workplace.

3. Reviewing the risk assessment

Your employer should already have a risk assessment in place. After an outbreak it is reasonable to expect them to review this, to make sure it is still fit for purpose.

HSENI may also recommend a range of additional measures, depending on the circumstances specific to your workplace.

How am I protected under health and safety legislation and can I refuse to go to work?

Employers have a legal duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees and anyone else who may be affected by the employer's business. They could ensure this by conducting regular risk assessments to identify Covid-19 related risks and implementing appropriate measures to control that risk and review them on an ongoing basis. They should also communicate these measures clearly to their employees.

Employees also have legal responsibilities. They must take reasonable care of their own and others' health and safety. They must also cooperate with their employer to help them meet their duties.

The Employment Rights (Northern Ireland) Order 1996 protects employees from detriment and unfair dismissal in relation to health and safety from the day they begin employment. This gives an employee a right to refuse to attend work if they have a reasonable belief of a serious and imminent threat due to a Coronavirus outbreak at work.

If I cannot go into work, do I still get paid?

That depends on your circumstances. In the table below, we outline a number of possible scenarios, and give our advice for each scenario.

My employer has closed my workplace.

If you can work from home, your employer should let you do so. This should not affect your pay. If you cannot work from home and your employer has temporarily closed the workplace and asked you not to come into work, you are potentially still entitled to pay. It will depend on your employment status and your contract of employment. If your employer does not provide any payment and ask you to remain at home, this could be considered a 'lay-off'. **We would advise you to contact our advice line on (028) 9024 4401 in this scenario and ask to speak to one of our employment advisers, alternatively email us on employmentadvice@lawcentreni.org.**

I cannot work because I am self-isolating (staying at home).

You should check with your employer to see if you are eligible for any contractual sick pay. This is sick pay over and above the legal minimum. You may not be entitled to receive contractual sick pay unless you develop symptoms of Coronavirus (i.e. you are actually sick). However, some employers may choose to pay contractual sick pay if you are self-isolating without symptoms, so it is worth discussing with your manager.

If you are not entitled to contractual sick pay, you may still be entitled to Statutory Sick Pay (SSP). To be eligible for SSP, you should be classed as an [employee](#), earn an average of at least £120 per week and you should have been ill or self-isolating for at least four days. One of the following should also apply:

- You, or someone you live with, has a possible diagnosis of coronavirus, **or**
- You have been advised to self-isolate by the Public Health Agency.

If you are on SSP, you will receive **£95.85** per week.

You may be entitled to claim benefits instead of or in addition to SSP. **Law Centre NI strongly recommends seeking specialist advice before making a benefits claim. We offer free, impartial advice on benefits claims. To arrange a call-back, please call (02)8 9024 4401 and ask to speak to a social security adviser, or alternatively email us on benefitsadvice@lawcentreni.org.**

I have refused to work because I believe there is a health risk when in work.

You are not automatically entitled to pay if you are refusing to work due to health and safety reasons. We would advise you to speak to your employer to see what options are available. You may, for instance, be able to use some of your holiday entitlement to cover your time out of work. Alternatively, if you have previously been furloughed, could ask your employer to place you on furlough again.

I am worried I will not earn enough money to live off as a result of the outbreak in work. What can I do?

If you find that you do not have enough to live off as a result of an outbreak in work, you may be able to claim benefits. **We strongly recommend seeking specialist advice before making a benefits claim.**

Law Centre NI offers free, impartial advice on benefits claims. To arrange a call-back, please call (028) 9024 4401 and ask to speak to a social security adviser, or alternatively email us on benefitsadvice@lawcentreni.org.

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