



Lifting Lockdown - Reluctant to Return | 1

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With little to no information being disclosed by the States of Jersey as to the Island's exit strategy it is extremely difficult for employers to plan and prepare for the lifting of lockdown.

The latest advice is that schools are currently closed until 11 May however there is much speculation as to whether this date will be pushed back further. Teachers are none the wiser as to when they will actually be called back to the classroom full time. Many teachers have been keeping schools open to provide invaluable care for vulnerable students and children of other key workers.

The reopening of schools to the masses will of course be guided by health advice. It is yet to be confirmed whether their re-opening will also signal the re-opening of all businesses and return to work for all. One assumes that if it safe for them it is safe for all but will employees feel safe returning to work?

Some individuals may be fearful of returning to work, particularly those who are at higher risk of contracting Covid-19. What can an employer do in such a situation?

Firstly, the employer should listen to any concerns that staff may have and take steps to protect them. This will no doubt include taking all steps advised by the Government in respect of the lifting of current lockdown restrictions. If an employee has an underlying condition or a particular vulnerability i.e. pregnancy, the same has to be taken into account. If an employee still does not want to return to the workplace, they could arrange to take the time off as holiday or unpaid leave. However, the employer is not obliged to agree to this.

Should an employee refuse to attend work without a valid reason, disciplinary action could be taken.

All staff in Health and Community Services are deemed critical workers and are expected to attend work unless they are authorised to stay at home. Even those who are over 65 and/or have an underlying health condition are risk-assessed before attending work rather than being excluded altogether. Pursuant to Government guidance, those with well-managed underlying health conditions are likely to be at work whether in their existing role or one to which they have been redeployed.

The lifting of lockdown restrictions will see Islanders returning to work. How this will be managed and any strategy that the States proposes to implement is yet to be disclosed. Perhaps employees will be subject to a risk assessment akin to those applied to health workers before they can return. Those that refuse with no valid reason could be exposing themselves to disciplinary action.

Employees need to be returned to the workplace safely but employers have a mechanism to handle apathetic employees with an addiction to Netflix who seek to rely on the fear factor for their reluctance to return to work.

For further information on this please contact a member of Voisin Law's Employment Team, [Dexter Flynn](#) or [Stephanie Habin](#).