

Covid-19 – Advice for Workplaces Briefing Note - June 2022

Covid-19 will remain a public health issue, and guidance for workplaces is being replaced with public health advice.

Whilst there is no longer a requirement for all employers to explicitly consider Covid-19 in their statutory health and safety risk assessments, it is important that employers continue to comply with their legal obligations relating to health and safety, employment and equality duties. This document sets out the current responsibilities placed upon employers in relation to Covid-19.

With respect to health and safety these relate to duties and obligations under:

(1) Control of Substances Hazardous to Health 2002 Regulations (COSHH)

The requirement to assess and control Covid-19 as an infectious biological agent

Under the Control of Substances Hazardous to Health 2002 Regulations (COSHH), employers must protect workers who come into contact with Covid-19 either:

- (i)** Directly through their work, for example in researching the virus in laboratories, and/or
- (ii)** Due to their work activity, such as health and social care workers caring for infectious patients / clients

In both of these cases, employers must still undertake a risk assessment, implement control measures and continue to monitor and review the assessment.

Note: Within Merton, only **(ii)** will apply, as it relates to those working in social care e.g., C&H Direct Provision.

With respect to undertaking risk assessment in these settings, the choice is to continue to assess the risk from Covid-19 and document the findings separately or to integrate it as part of the general COSHH assessment process.

It is the recommendation of the Corporate Safety Section that COSHH assessments for Covid-19 continue to be assessed as a standalone hazard. This is to ensure it does not get lost within a general assessment process and compliance is more easily demonstrated.

Please note that COSHH does not cover situations where:

- One employee catches a respiratory infection from another.
- A member of the public has infected an employee with coronavirus through general transmission in the workplace

(2) Workplace (Health, Safety and Welfare) Regulations 1992

- **Ventilation**

Ensure that suitable and sufficient ventilation is in place to reduce and mitigate the effects of Covid-19. Part of this the use of Co2 monitors in areas identified as having poor ventilation.

Bringing in fresh air to occupied spaces can help to reduce the concentration of respiratory particles.

HSE provides [guidance](#) on how to assess and improve ventilation in line with health and safety requirements under Workplace (Health, Safety and Welfare) Regulations 1992.

Detailed Covid-19 [specific guidance](#) for workplaces and public buildings is provided by the Chartered Institution of Building Services Engineers (CIBSE) for those who wish to put additional measures in place.

- **Cleaning**

Keeping workplaces clean reduces the risk of infection and sickness. It's especially important to clean surfaces that people touch a lot. Staff can be supported to maintain a clean working environment by providing them with cleaning products, soap and hot water, and/or sanitiser.

(3) Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)

RIDDOR reporting requirements relating to cases of disease, or deaths, from Covid-19 only apply where an employee has been infected with coronavirus through:

- (i) Deliberately working with the virus, such as in a laboratory,
- (ii) Being incidentally exposed to the virus

Incidental exposure can occur when working in environments where people are known to have Covid-19, for example in a health or social care setting.

Note: Within Merton, (i) is unlikely to apply but (ii) will apply for those working in social care e.g., C&H Direct Provision.

You should only make a report under RIDDOR when one of the following circumstances applies:

- An accident or incident at work has, or could have, led to the release or escape of coronavirus (SARS-CoV-2). This must be reported as a dangerous occurrence.
- An employee has been diagnosed as having Covid-19 attributed to an occupational exposure to coronavirus through either deliberately working with the virus or being incidentally exposed to it through specifically working with infected persons, such as in a health or social care setting. This must be reported as a case of disease due to exposure to a biological agent
- A worker dies as a result of occupational exposure to coronavirus through either deliberately working with the virus or being incidentally exposed to it. This must be reported as a work-related death due to exposure to a biological agent

(4) Risk assessment

The requirement for every employer to explicitly consider Covid-19 in their health and safety risk assessment has been removed, however it is advised that services continue to cover Covid-19 in their risk assessments. See the section on COSHH above for further detail.

(5) Talking with workers

Employers have a duty to consult with their employees, or their representatives, on health and safety matters and on any changes, they make that might affect health and safety.