

Coronavirus UPDATE

Facemasks, Covid Secure and NHS Track & Trace QR Codes

Within the last few days there have been a number of new announcements and restrictions concerning Covid-19.

Following the announcement on Friday 18 May 2020 requiring some businesses in England to display QR codes for Track and Trace as well as yesterday's announcement from the UK Government, we have received a number of calls from Members looking for further advice and guidance.

The main points are as follows:

- a. Some businesses will be required to display QR Code posters and to maintain contact logs from 24 September 2020
- b. Face Masks will become compulsory for staff in retail environments from 24 September 2020
- c. Covid Secure from 28 September 2020

QR Code posters and contact logs

On Friday 18 September, the UK Government produced Regulations requiring designated businesses and organisations, including hospitality, close contact services and leisure venues, to log details of customers, visitors and staff for NHS Test and Trace; and from Thursday 24 September to display official NHS QR code posters under law, ahead of the NHS COVID-19 app being rolled out.

For those of you who are unaware, a QR code is in effect a 2-dimensional bar code that is readable by electronic devices including smartphones.

Whilst any business can choose to display a QR code, the Regulations only require '**relevant premises**' as defined by the Regulations to do so. The good news for RMI Members is that they are very unlikely to be affected by these Regulations.

The Regulations list the 'relevant premises' in some detail but generally these are premises in which food is consumed; leisure and tourism services; and businesses that require close physical contact, such as barbers and beauticians.

The full list of designated premises can be found at:

<https://www.legislation.gov.uk/ukxi/2020/1005/schedule/made>

Further government guidance on this can be found at:

<https://www.gov.uk/government/news/venues-required-to-enforce-rule-of-6-nhs-qr-code-posters-and-contact-logs>

Any businesses wishing to register and produce an NHS QR code can do so at:

<https://www.gov.uk/create-coronavirus-qr-poster>

Facemasks

Of more pressing concern are the changes regarding the wearing of facemasks. As many Members will know, the Government announcement yesterday that staff in hospitality and retail will now be required to wear face coverings from 24 September.

Whilst we are yet to have the full text of any changes to the current legislation, previous definitions of retail premises used during the Coronavirus pandemic have made reference to the premises being open to members of the public for the sale of goods and services.

It is likely that the current list of exemptions will carry over to staff and those that are likely to apply to employees are,

- not being able to put on, wear or remove a face covering because of a physical or mental illness or impairment, or disability
- if putting on, wearing or removing a face covering will cause you severe distress
- if you are travelling with or providing assistance to someone who relies on lip reading to communicate
- to avoid harm or injury, or the risk of harm or injury, to yourself or others
- to avoid injury, or to escape a risk of harm, and you do not have a face covering with you
- to eat or drink, but only if you need to
- to take medication
- if a police officer or other official requests that you remove your face covering

We do note that the requirement is for face coverings, therefore where staff are uncomfortable with wearing a facemask, then face shields are a legitimate alternative.

Whilst we can understand Members' concerns and confusion regarding whether they are retail premises in other legal situations such as planning etc..., it is our current opinion that all staff who meet customers face to face will be required to wear a face covering (i.e. a facemask or face shield), unless one of the current exemptions applies to them.

The announcement yesterday did not change the current position within the workplace generally. Where there are areas of the business to which members of the public do not have access, then the guidance remains:

- Work from home where possible
- Maintain a 2 metre social distance between employees
- Where not possible, a 1 metre plus distance with additional protections (i.e. face coverings etc)

Covid Secure Standards

Looking a little further ahead, the Government has also stated that all businesses and organisations will face stricter rules to make their premises COVID Secure (from 28 September).

It is not currently clear how this will be defined. However, the Government has produced guidance which can be found at:

<https://assets.publishing.service.gov.uk/media/5eb9703de90e07082fa57ce0/working-safely-during-covid-19-shops-branches-200910.pdf>

Further guidance, including templates and resources have been produced by the HSE which can be found at:

<https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

Conclusion

It is important to note that the situation remains very fluid and Government guidance is being updated regularly. We can therefore only provide a general guide that should be used with care. Also, whilst the Government has provided a statement as to its intentions, how this will work in practice as well as the legal basis for any restrictions is still to be clarified. We are keeping our ears close to the ground for our Members and will provide updates as appropriate.

Should you have any questions, please do not hesitate to contact the RMI on 0845 305 4230.