



Llywodraeth Cymru
Welsh Government

GUIDANCE

Keep Wales safe at work

Workplace guidance for employers and employees during the coronavirus (COVID-19) pandemic.

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Introduction

The [Coronavirus Regulations](#) impose strict restrictions on gatherings, the movement of people and the operation of businesses, some of which are required to close temporarily.

Businesses that are permitted to operate, or premises that are allowed to open (the business and premises that must remain closed are here: [Closure of businesses and premises: coronavirus \(COVID 19\)](#)) must do so safely in a way that complies with the Coronavirus Regulations, in addition to other legal obligations imposed on employers (such as health and safety legislation).

The Welsh Government has issued the following guidance notes under the Coronavirus Regulations:

1. [Taking all reasonable measures to minimise the risk of exposure to coronavirus in workplaces and premises open to the public](#)
2. [Keeping records of staff, customers, and visitors: test, trace, protect](#) and
3. [Face coverings: guidance on measures to be taken by employers and](#)

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managers of premises

These guidance notes are referred to collectively in this document as “the Statutory Guidance”.

This guidance builds on these requirements in the Statutory Guidance and aims to help employers, employees and the self-employed in a number of sectors to work safely during the COVID-19 pandemic. In addition, to support people further to work safely, the Welsh Government has published **detailed guidance** for a number of sectors and/or workplace settings. Each business is unique and will need to decide what actions it needs to take to operate safely, depending on the nature of the business including the size and type of business, how it is organised, operated, managed and regulated. All businesses must comply with the Coronavirus Regulations and have regard to the Statutory Guidance, and use this guidance, and the detailed sectorial/workplace guidance to help them decide what action they could take to keep Wales safe at work.

In the event of any discrepancy between this guidance and the Statutory Guidance, you should have regard to the Statutory Guidance. This guidance is not a substitute for legal advice, which you should consider obtaining where necessary, nor does it supersede any legal obligations including in relation to health and safety, employment or equalities. It is important that as a business or an employer you continue to comply with your existing obligations including those relating to individuals with protected characteristics. Failure to comply with the relevant public health legislation could result in enforcement action by the relevant authorities.

The Welsh Government has published the **Coronavirus Control Plan for Wales** setting out how we will all work together to manage the risks of COVID-19 and it is recommended that you review the plan.

The **Coronavirus Regulations** set out a specific and separate system of enforcement. This means that enforcement officers from local authorities can require certain (specified) measures to be taken in relation to premises, and they can if necessary close them. Closure can be required either because specified measures are not subsequently taken or because the breach of the requirements is sufficiently serious to justify closing a premises immediately or

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with only very limited notice. The Welsh Government has issued **guidance** for enforcement officers that you may wish to review so that you understand what action can be taken if you fail to comply with the Coronavirus Regulations and/or do not take account of the **Statutory Guidance**.

To help you decide which actions to take, you must carry out an appropriate COVID-19 risk assessment, just as you would for other Health and Safety related hazards. This risk assessment must be done in consultation with the recognised trade union or, if there isn't one, a representative chosen by workers.

We expect that this document will be updated over time. This version is up to date as of 9 November 2020. You can check for updates at **Keep Wales Safe - at work**.

The Welsh Government reviews the **Coronavirus Regulations** every 3 weeks. These reviews provide an opportunity to assess the effectiveness and consequences of the provisions and may result in amendments to the regulations. It is important to note that if there is an increase in COVID-19 cases, new rules may be introduced to reduce the spread of the virus and protect public health outside of the standard 3 week review period. For example, an increase in the transmission of COVID-19, either across Wales or in a specific locality, might affect what is considered a “**reasonable measure**”, with more measures potentially being needed. In these circumstances, there may be also more activities where the risk of exposure to COVID-19 is such that the only means of minimising the risk is not to do it. It is therefore important to regularly revisit your COVID-19 risk assessment to ensure that the actions you are taken are in line with the most recent **regulations**.

Key information

Since the beginning of the COVID-19 outbreak, our aim has been clear: protecting public health and protecting the NHS. As we continue to work together to manage the risks of COVID-19 in Wales, these aims still stand. Businesses that are able to operate and premises that are able to open to the public should do so lawfully and safely. In addition to the Statutory Guidance Welsh Government has produced **detailed guidance** for a number of

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sectors on how to work safely and we encourage you to follow that guidance.

If any of your staff or colleagues are told to self-isolate by NHS Wales Test, Trace, Protect you must not encourage them to return to the workplace before their **isolation period** ends.

Helping your staff to stay at home for 10 days to will greatly reduce the overall amount of infection households can pass on to others in the community and therefore, potentially, to the rest of your workforce, to you and to your family.

Anyone that develops **COVID-19 symptoms** at work should be sent home to self-isolate, and their workplace cleaned in accordance with **guidance for cleaning in non-healthcare settings**.

There are **five key steps** all those responsible for work in Wales should implement to help us Keep Wales Safe - together. It complements all other guidance.

1. Carry out a COVID-19 risk assessment

Carry out a risk assessment through meaningful discussion with staff and/or their recognised trade union and share the results with your workforce. You should have particular regard to whether the people doing the work are especially vulnerable to COVID-19 (**those that have been shielding or are in the increased risk group**). Risk assessments are a legal requirement for pregnant women no matter the size of the business.

2. Help staff to work from home whenever possible

The most effective way to minimise exposure to coronavirus is to enable some or all of your staff to work from home, some or all of their time. There is an expectation that employers should be as flexible as possible and make adjustments to ensure staff are able to work from home wherever that is possible. This may include issuing staff with laptops or mobile phones and facilitating communication with all.

Employees should not be required or placed under pressure to attend a workplace setting if there is not a clearly demonstrated business need for them to do so. Employers who are considering requiring their staff to attend workplace settings should first assess whether alternative arrangements could meet the majority of the employer's needs. This should be discussed with staff or representatives of staff.

3. Take action to ensure that 2m physical distancing is maintained between people on your premises, where possible.

Where there is a demonstrable business need for staff to attend the workplace, those responsible for work or for premises open to the public, must ensure that everything reasonable is done to maintain a 2m distance between persons on the premises including outdoor locations. This is a legal requirement in Wales under the [Coronavirus Regulations](#). Those responsible must have regard to [the guidance](#) note, which has been issued under the Regulations to help you understand what 'taking all reasonable measures' means and what to do if it is not possible to maintain a distance of 2m in certain circumstances.

4. Implement other measures to reduce the risk of exposure to COVID-19

Take all other reasonable measures to minimise exposure to COVID-19, for example by:

- Limiting the level of face-to-face interaction.
- Using physical barriers.
- Increasing hygiene, environmental cleanliness and providing reminders about the importance of hygiene.
- Washing hands well for 20 seconds with soap, and drying thoroughly, or using alcohol-based hand gels before and after close contact.
- Minimising loud noises which will require people to shout over them.
- Wearing or providing personal protective equipment where sector specific guidance says it is required and ensuring it is worn correctly.
- **Requiring face coverings** to be worn by staff in parts of the premises that

are open to the public and in other parts of the premises where physical distancing cannot be maintained, unless they are **exempt** from doing so.

- **Providing information** to staff and visitors to the premises about the need to wear face coverings and explaining where in the premises they are required.
- **Recording contact details of staff, customers and visitors** to support **Test, Trace, Protect (TTP)**.
- Making staff aware of the employer's compliance with the TTP strategy and the need for employers to release their personal contact information in the event of a TTP enquiry that involves the business/organisation and its employees.
- Ensuring that employees are allowed or enabled to self-isolate. If they have tested positive for COVID-19 or been notified they are a close contact of someone who has tested positive for COVID-19.

The extra precautions you may need to take will depend on the nature of the work, for example, if closer working is required that makes observing the physical distancing duty difficult, and the type of premises the work takes place in. Each business will need to decide what specific actions it needs to take to operate safely, depending on the nature of the business including the size and type of business, how it is organised, operated, managed and regulated.

Failing to take reasonable measures to minimise exposure to COVID-19 is an offence in Wales, which on conviction may lead to a fine. Your COVID-19 risk assessment will help you decide what actions you need to take.

5. Actively implement Test, Trace, Protect in the workplace

Test, Trace, Protect (TTP) will work by:

- Testing those people who have **COVID-19 symptoms** and asking them to isolate whilst taking a test and waiting for a result; and
- Tracing those individuals who have been in close contact with the person who has tested positive for COVID-19, requiring them to take precautions and self-isolate in accordance with the **guidance**.

Guidance has been published that explains how employers in Wales can play their part in helping to deliver Wales' TTP strategy to slow the spread of COVID-19, protect our health and care systems and save lives. This covers their responsibilities to employees and contractors associated with the operation of their business and includes relevant information for the self-employed.

NHS COVID-19 app users are able to scan (check-in) when they enter a venue. **Premises in Wales which are required to collect details of staff, customers and visitors** must continue to do so, including people who check in through the app. However, you may wish to consider creating a QR code for use with the app and displaying it on your premises as an additional measure to assist individuals with tracing potential contacts. You can create a **QR code and display posters**.

Five principles for safety at work

To support businesses to work safely the Welsh Government has adopted five principles for safety at work:

1. Care: Our health and well-being comes first

Everyone should approach the health, safety and well-being of members of the public and customers, as well as employees and contractors and anyone else on premises as paramount.

The COVID-19 outbreak is a fast moving situation for everyone. It is challenging, worrying, and potentially stressful for many.

In terms of your workforce: as outlined above, you should help your staff to work from home for some or all of their time, if it is reasonably practicable for them to do so.

The COVID-19 pandemic poses health risks to everyone, but for certain vulnerable people, there is an increased risk of becoming seriously ill. It is also evident that certain members of our community, such as those from Black, Asian and Minority Ethnic backgrounds, are impacted more than others. We do not yet

have the evidence as to why groups are impacted more than others, so employers should take extra care to safeguard vulnerable employees.

There is more information on vulnerable groups and social distancing here: [COVID-19 social distancing guidance for everyone in Wales](#). The online [COVID-19 Workforce Risk Assessment Tool](#) is a two-stage risk assessment for NHS and Social Care workers, which is suitable for use for all staff who are vulnerable or at risk of contracting COVID19, including people from Black, Asian and minority ethnic backgrounds backgrounds.

Employers and business operators are still under legal obligations to ensure the decisions they make in response to COVID-19 do not directly or indirectly discriminate. You should not make biased assumptions and use those to disadvantage workers or block them from the job market.

2. Comply: The laws that keep us safe must be obeyed

Employers and business operators must continue to fulfil their legal duties under new and existing health and safety laws, including maintaining and protecting the health, safety, and well-being of employees and contractors, customers, and visitors.

In Wales, the [Coronavirus Regulations](#) require persons who are responsible for work or a premises that is open to the public to minimise exposure to COVID-19 on the premises, and to reduce the risk of those that have been on the premises from spreading the virus, by:

1. taking all reasonable measures to ensure that a distance of 2 metres between all persons is maintained on particular premises
2. ensuring that other reasonable measures are taken to minimise risk of exposure to the virus, in particular by limiting close face-to-face interaction and by improving hygiene and
3. providing information to those entering or working at premises about how to minimise risk.

3. Involve: We all share the responsibility for safe work

Employers and business operators are required by law to protect their employees, and others, from harm. Employees and contractors also have a duty of care for their own safety and those of others on the premises. This is a shared responsibility.

You should maintain regular and meaningful communication with employees and with the recognised trade union or, if there isn't one, a representative chosen by workers (including their health and safety committee, if this exists). This should identify and deal with risks before anyone re-starts work, and manage risks in the workplace on an ongoing basis. Staff should be involved with implementing control measures and reporting risks to protect workers and visitor.

4. Adapt: We will all need to change how we work

To comply with the duties describe above you and your staff will need to change the way you work. If you are currently operating, you are likely to have gone through a lot of this thinking already. We recommend that you use this document and the **detailed sector guidance** applicable to you to identify any further changes or improvements you may need to make. You must continuously review the measures you have put in place to make sure they are working. In your reviews, you should also consider if any measures may no longer be effective or if there are changes in the workplace that could lead to new risks.

All workplaces are different, but there is a growing body of industry specific guidance and examples of good practice available to draw upon that can help you decide what actions you need to take. At all times you should comply with the **Coronavirus Regulations** and have regard to **Statutory Guidance** applicable at the time. This guidance and the detailed sector guidance will be updated periodically to reflect any regulatory changes and we encourage you to use this guidance to help you to implement any changes that may be required.

5. Communicate: We must all understand what to do

You are required by the Coronavirus Regulations to provide information to those entering or working at premises about how to minimise exposure to coronavirus. It is therefore essential that there is clear, precise and constant communication between employers, employees, the self-employed, trade unions (if one exists), visitors and anyone else on the premises about the reasonable and proportionate actions being taken. It is important that everyone gets the same message and same instruction. Employers and business operators should ensure that communications are accessible for all. The aim is to give clear communications and assurance of the management of COVID-19 risk and to minimise exposure to the virus.

PPE Personal Protective Equipment

PPE protects the user against health or safety risks at work. It can include items such as safety helmets, gloves, eye protection, high-visibility clothing, safety footwear and safety harnesses. It also includes respiratory protective equipment, such as face masks. Where you are already using PPE in your work activity to protect against non-COVID-19 risks, you should continue to do so.

At the start of this document we described the steps you need to take to manage COVID-19 risk in the workplace. This includes working from home if that is possible, or and taking all reasonable measures to maintain 2m physical distancing on your premises where work is carried out or that are open to the public. When managing the risk of COVID-19, additional PPE beyond what you usually wear is not recommended. This is because COVID-19 is a different type of risk to the risks you normally face in a workplace, and needs to be managed through physical distancing, good hygiene routines and fixed teams or partnering, not through the use of PPE.

The exception is clinical settings, like a hospital, or a small handful of other roles for which Public Health Wales advises use of PPE. For example, first responders and immigration enforcement officers. If you are in one of these groups you should refer to the [Public Health Wales information for health](#)

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and social care professionals.

Unless you are in a situation where the risk of COVID-19 transmission to your workforce is very high, your risk assessment should reflect the fact that the role of PPE in providing additional protection to staff is extremely limited. However, if your risk assessment does show that PPE is required, then you must provide this PPE free of charge to workers who need it. Any PPE provided must fit properly.

More information on PPE in Wales: [Coronavirus and personal protective equipment \(PPE\)](#).

Face coverings

Wearing a face covering is mandatory for everyone in Wales in the indoor areas of premises that are open to public, transport hubs, and on [public transport](#). This requirement only applies to areas that are accessible to members of the public such as reception areas and waiting rooms though may also include communal areas of buildings shared with other businesses, such as landings, staircases.

For any other premises, including the non-public areas of premises that are open to the public, the Welsh Government considers that, if physical distancing cannot be continuously maintained, those responsible for work carried out at those premises should, as a [reasonable measure](#) under the [Coronavirus Regulations](#), [require staff and visitors to wear a face covering so as to minimise the risk of exposure to COVID-19 at the premises](#), unless they are [exempt](#) from doing so. This means that a decision not to require staff or visitors to wear a face covering in premises not open to the public, including the non-public areas of premises that are open to the public, should be based on a COVID-19 risk assessment that provides evidence that there is a compelling reason not to. The guidance for members of the public is here: [Face coverings: guidance for public](#).

A face covering can be very simple; it just needs to cover the mouth and nose. It is not the same as the surgical masks or respirators used by healthcare and

other workers as part of higher specification PPE. Similarly, face coverings are not the same as the PPE used to manage risks like dust and spray in an industrial context. Supplies of PPE, including face masks, must continue to be reserved for those who need them to protect against risks in their workplace, such as health and care workers, and those in industrial settings like those exposed to dust hazards.

The duty to wear a face covering under the **Coronavirus Regulations** is incumbent on the public who visit, and the staff who work in, indoor public premises. It is important to remember that face coverings are not a replacement for the other ways of managing the risk of exposure to COVID-19 and do not negate the need for those **responsible for premises open to the public, or premises where work takes place, to take other reasonable measures**.

Therefore, you must continue to do everything reasonably possible to keep everyone 2m apart and implementing other precautions, including minimising time spent in contact, using fixed teams and partnering for close-up work, ensuring good respiratory hygiene, regular and thorough hand hygiene and increasing surface washing. These other measures remain the best ways of managing risk in the workplace and the Welsh Government would therefore not expect to see employers relying solely on face coverings as risk management for the purpose of their health and safety assessments.

Effective face coverings should have a water repellent outer layer if possible, and comprise of 3-layers of different fabrics, which are non-stretchy. They should fit well with no air gaps around the sides and under the chin. You can make face coverings at home and this **guidance** explains how.

Employers should support their workers in using face coverings safely if they choose to wear one. This means reminding them of the following information:

- Wash your hands thoroughly with soap and water for 20 seconds, (or use alcohol-based hand sanitiser) and dry thoroughly before putting a face covering on, and after removing it.
- When wearing a face covering, avoid touching your face or the face covering as you could contaminate them with germs from your hands.
- To not hang a face covering from the neck or pull down from the nose

- Change your face covering if it becomes damp or damaged.
- Wash your hands regularly.
- Change and wash or discard (as applicable) your face covering daily.
- If the material is washable, wash in line with manufacturer's instructions.
- After wearing a reusable face covering, it should be placed inside a plastic bag prior to it being washed to prevent onwards contamination from the used face covering.
- If it is not washable, dispose of it carefully in your usual waste and help keep Wales tidy.
- Practicing social and physical **distancing** and frequent and thorough washing of hands is the most effective way of reducing the transmission of COVID-19.

What to do if you are concerned about work place safety

If you are concerned about the safety measures in your workplace or in any other premises you visit, or in a premises that is open to the public then you can report this to the Public Protection services of your local authority (which include environmental health and health and safety) who are responsible for advice and enforcement. In many "closed" workspace settings (i.e. where there is no access for the public or external contactors) regulation and enforcement of working practices is in the remit of the Health and Safety Executive.

Where to find out more

The Health and Safety Executive (HSE) has produced a short guide on Working Safely during the Coronavirus Outbreak. The Guide contains information on:

- assessing risk
- specific advice for your industry
- talking with your workers
- who should go to work?
- protecting people who are at higher risk
- getting into and leaving work

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- work area
- moving around
- common areas
- good hygiene
- information and guidance
- PPE (personal protective equipment)

The HSE Guide can be found here: [Coronavirus \(COVID-19\): latest information and advice](#).

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