

Furlough – Do's and Don'ts for employers

We have set out below a list of Do's and Don'ts to help you with managing and guiding employees who are placed on furlough under the UK Government Coronavirus Job Retention Scheme ("Furlough"). Please note that this is a non-exhaustive list. It is vitally important that this guidance is adhered to in relation to all employees who are placed onto the Furlough scheme – failure to do so could undermine the Company's ability to claim the Government subsidy.



Do's

- Request furloughed employees to do full handover notes (where necessary and if they have any ongoing work), before they are placed onto the Furlough scheme.
- Before employees are placed onto the Furlough scheme, ask them to update their email out of office and voicemail messages to let contacts know they are not working and to provide an alternative point of contact.
- Strictly prohibit furloughed employees from carrying out any work for you. This includes both productive work and business development. They should not contact any clients or customers, provide any services, discuss work matters with colleagues and generate revenue for the company. This is one of the main conditions of the Furlough scheme, and if not complied with will undermine your eligibility for the grant.
- Request furloughed employees to keep you updated with their personal contact details, as well as with their emergency and next of kin contact details. They should also update you if there is any other change to their personal circumstances (for example, if they wish to take any form of parental leave).
- Restrict access to work emails and work equipment (phone, laptop, computer, etc). These can be accessed strictly for checking personal emails or for virtual socialising with colleagues.
- Prohibit furloughed employees from attending their usual place of work or any other premises of the company.
- Encourage furloughed employees to keep in touch with their team members and colleagues, but in a purely social and personal capacity. They should not discuss any work matters with colleagues at any stage.



Don'ts

- Don't ask furloughed employees to do any work for you. This includes checking and responding to work emails or phone calls. Automated out of office messages should be in place to address this issue.
- Don't ask furloughed employees to provide any services to your clients or customers or to conduct any productive work generating revenue for the company.
- Don't ask furloughed employees to contact clients or customers or colleagues for any work purpose (even if to provide an alternative point of contact - this should be provided by automated out of office messages). Furloughed employees cannot carry out any business development work or discuss any work matters with colleagues.
- Don't ask furloughed employees in managerial roles to carry out any of their usual powers or controls on behalf of the company. (The only exception is in relation to registered directors who are permitted to exercise their statutory duties as company directors).
- Don't necessarily prohibit all access to work email accounts, but such access should be strictly restricted to checking personal emails or contacting colleagues in a purely social and personal capacity.
- Don't ask employees to take any action that may go against the Government's guidelines on social distancing and other measures to control the spread of COVID-19.
- Don't extend employee's furlough leave without communicating this to them first and do obtain their consent for any further extensions.

- Provide access to your policies, internal initiatives, virtual socialising and online learning or training resources (as long as such training does not provide services to the company or to its clients or generate any revenue). Employees can access these whilst on the furlough leave, if they choose to do so.
- Ensure that you continue to comply with all other terms and conditions of the employee's contract of employment, as well as with the employment law rules in general (including redundancy provisions).
- Request furloughed employees to follow and stay up-to-date with the Government's guidelines on social distancing and other measures to control the spread of COVID-19
- Don't consider any redundancies without complying with your duties and obligations under the redundancy rules and employment law in general.