

# Scotland restrictions tightened: working from home requirement emphasised

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Nicola Sturgeon has announced a number of measures to tighten the lockdown restrictions in place in Scotland. These include a reiteration of the legal requirement on individuals to work from home and a call on employers to support this.

In some media reports, this announcement has been billed as a new obligation on employers to allow staff to work from home. In reality, the Scottish Government is introducing statutory guidance to make it clear (if it were needed) that employers should support employees to work from home wherever possible. All individuals are under a legal obligation to stay at home and leave only for an essential purpose. Employees may leave home for work, but only where that work cannot be done from home.

The Scottish Government's guidance sets out a presumption that, if employees were working from home during the first lockdown in March 2020, they should be doing so now. By law, employers must take all reasonable steps to minimise the risk of the incidence and spread of COVID-19. The guidance emphasises that this includes supporting staff to work from home for roles that can be done remotely. It also reminds employers that they should not ask or direct employees to commit an offence (such as leaving home to carry out work that could be done at home). Failure to comply with an employer's health and safety duties may lead to enforcement actions under public health regulations.

The other measures announced at the same time include:

- Click and collect services are to be limited to retailers selling essential items. Timeslots will be required for collection and customers should not enter shops to collect items.
- Food businesses offering takeaway services will have to operate from a serving hatch or doorway. Customers are no longer allowed to go inside to collect takeaway food, including hot drinks.
- It will be against the law in all level four areas (the whole of mainland Scotland and some islands) to drink alcohol outdoors in public.
- The level four guidance on work inside people's houses is being put into law. Work is only permitted inside a private residence if it is essential for its upkeep, maintenance or functioning.
- A potential loophole in the regulations requiring people to stay at home is being closed. An amendment will make it clear that people must not leave **or remain** outside their home unless it is for an essential purpose.

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