

The background of the entire page is a vibrant red-to-orange gradient. Scattered across this background are several stylized, glowing coronavirus particles. Each particle is depicted as a sphere with a textured, orange-to-yellow center, surrounded by a dark purple or blue outer shell. From the surface of these shells, numerous small, red, circular protrusions (spikes) extend outwards, giving the particles a spiky, spherical appearance. The particles vary in size and are positioned at different depths, creating a sense of a microscopic environment.

CORONAVIRUS

The HR Survival Guide for Small Businesses

Direct Law & Personnel
www.dlp.org.uk

CORONAVIRUS

The HR Survival Guide for Small Businesses

Coronavirus: The HR Survival Guide for Small Business

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CHAPTER 1

FURLOUGH

WHAT IS FURLOUGH?

'Furloughing' or the 'Corona Job Retention' is a scheme for employers who can't afford to keep staff on payroll due to the business effects of Coronavirus. The scheme is designed for businesses to apply for employee grants of 80% of normal monthly wages (to value of £2,500) per employee. The point of the scheme is to prevent redundancies.

QUALIFYING FOR FURLOUGH

To claim furlough for any employee you must;

1. have a PAYE scheme in place
2. have enrolled for a PAYE online (takes 10 days to apply)
3. have a UK bank account

To claim for an employee, they must;

1. have been on your paye scheme on 28.2.2020 (ie not hired after)
2. be employed (any type of contract; fixed term, zero hr, part time, flexible)
3. agree not to undertake any work for you

Don't be "Furlough Shamed" or bullied by employees.

If you have work for staff or they object to 80% pay on Furlough you have options such as redundancy.

Each case should be considered on its own merits.

4. be furloughed for minimum of 3 weeks
5. not be claiming company or statutory sickness
6. agree to furlough and to any wage deduction

GUIDANCE

- Employees wages are taxed in the normal way whilst on Furlough leave
- Tasks and duties from Furloughed employees can be moved to other employees
- Employees can undertake training or apprenticeship work whilst on Furlough but can't work
- Employees with two roles can claim from both employers or continue working for one or both
- Employees who are shielding (*see Sickness and Shielding, page 18*) can claim Furlough if they would otherwise be made redundant
- Employees who are caring for others who are shielding or have caring responsibilities for children can also be Furloughed (*see Sickness and Shielding, page 18*).
- Fixed term contracts can be extended or renewed to enable Furlough to take place
- Company Directors can be Furloughed. This decision should be decided by a board of directors and noted in company records. Furloughed directors can carry out statutory obligations necessary but can not undertake work to generate commercial revenue or provide services.

TWO BASIC QUESTIONS

QUESTION ONE: Do you have work for the employee?

If yes, not likely to be furlough.

QUESTION TWO: Can that work be done from home?

If yes, they will be homeworker.

CONSIDERATIONS

Claiming the grant from HMRC could take time so consider loans or advances. Any delay in wages should be agreed and explained to employees beforehand.

Consider topping up the grant to 100% of wages but this doesn't have to be done.

You will need agreement from your employees if you don't have a lay off clause or short time working clause in your employment contracts. Employees need to agree to (a) make the deduction and (b) to be on furlough.

Make sure you can justify your decisions if you aren't treating all staff the same—equality and discrimination laws apply to your decisions.

A record of your employees agreement must be kept for 5 years.

For employee's with variable pay take the highest of (a) same month last year or (b) the average month or tax year 2019-2020, or, for continuity less than one year work on the average from the period worked.

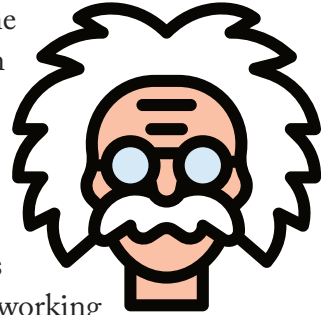
Apprentices can be furloughed and continue training however will be paid normal wage for training.

The scheme has been put in place by the government from 1 March for 12 weeks. Those who are being furloughed now can only be furloughed until the end of May 2020 unless or until these regulations are extended.

MAKING A CLAIM

To make a claim you will need;

- Your PAYE reference number
- The number of employees being furloughed



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- The claim period (start and end date)
- The amount being claimed (per the minimum length of 3 weeks)
- Your bank account number and sort code
- Your contact name
- Your phone number

Claims should be made when running payroll and backdated to 1 March 2020 where employees have been furloughed already. Wages should be reduced by 80% on payroll before they are paid as HMRC will not make this adjustment.

CHAPTER 2 STAYING OPEN

As many as 1 in 3 workers are currently home and unable to work but many businesses can remain open. Included in the list of businesses and services staying open (under Public Health England 2020 no. 350 part 3 26.3.20@1pm) are; food retailers, pharmacies, newsagents, homeware, petrol stations, taxis, banks, post office, funeral directors, dry cleaners, dental or veterinary surgeons, agricultural shops, car parks and public toilets. Key workers in care, emergency services or any work in supply chains for any of the above can also remain open.



Guidance is to have premises open if it is not “reasonably possible for that person to work from the place they are living”. Employers must comply with strict duties for social distancing and regular risk assessment.

The message is clear that wherever possible staff should be home and if they can't then furlough needs to be considered (*see Furlough, page 4*). So, let's consider where you have work and you remain open but staff can't come to work;

REASON ONE—SICKNESS

Employees who aren't well with Coronavirus symptoms will be paid sick pay. The first 14 days of SSP (£95.85 per week) can be

reclaimed from HMRC. If staff are sick with other conditions then normal sickness rules apply.

REASON TWO—CHILDCARE

Employees who can't work due to childcare should be consulted to consider flexible work and hours with wages adjusted. If employees are unable to offer you any hours then you can consider Furlough (*see Furlough, page 4*)

REASON THREE—CARING RESPONSIBILITIES

Employees who are looking after others who are 'Shielded' (*see Sickness and Shielding, page 18*) may be able to be Furloughed. A decision should be made by the employer considering others that can care for the shielded person, the type of work and ability to work from home, how others in the same position are treated and any other factors or flexibility. It may be that you decide, as an employer that furlough is appropriate in this situation.

WHAT IF MY EMPLOYEE REFUSES TO COME TO WORK?

Employees who refuse to come to work—and you can prove it's safe for them to do so—can be told they will be told their absence will be unpaid. Take any employees fear of corona seriously. Provide evidence of your risk assessments and rules or policies embedded on social distancing and equipment available. Discuss with your employee even if they don't accept your position, before you confirm their leave is not paid. Employees in this position will be absent on unpaid leave.

Those who are refusing to come to work and trying to convince others to do the same (there are plenty of these out there) can be treated differently and warned if they don't stop this behaviour could potentially be disciplined.

We have had many questions and examples of these scenarios. If you have followed the above advice, for those refusing to come to work evidence the measures you are taking with regular risk assessments (daily if necessary) then where employees are being disruptive or damaging the reputation of the business you are entitled to consider disciplinary action. Gather as much evidence as possible and either seek legal advice or follow your disciplinary process.

“keep calm and carry on”

CHAPTER 3 HOME WORKING

Suddenly having all your staff working from home is not easy. Let's face it, most leaders are control freaks!

Using an COVID-19 At Home Working policy is advisable (download from www.dlp.org.uk/coronavirus) as it sets out employee expectations for this period, data protection rules and where and when to seek advice or help.

It may be worth having a discussion about flexible working and making allowances for different hours, types of work, projects or anything else depending upon issues of childcare, ability to use equipment or access data from home etc. Any agreement should be confirmed in writing along with details of how this affects that employees pay and when it can be reviewed.

Zoom is a great tool for having team meetings where you can all see each other or have updates and worth considering.

Having daily or at least weekly team meetings is worth while also and if you have these early in the day will ensure you are satisfied that employees are up and working.

If you have a small team it's worth having these meetings as often as possible and asking others to chair them even to discuss

It's been reported that more than 50% of companies can't afford to wait until the Furlough Grant arrives to pay wages.

what they plan to do today, the issues of home working, how they are finding or solving issues, giving work updates and setting work targets. Having the same agenda each day means employees know what to expect from the meetings and can plan responses beforehand and not be nervous to be on video call.

If employees don't need to be in touch every day or their work is sent by email then it's worth calling these meetings welfare meetings so you can all check in with each other—maybe they prefer to do this without you being present—it's worth asking the question!

As well as weekly or daily meetings with your team it is also worth calling every person separately to catch up as often as you can. This means you can answer questions and ensure everyone is ok. It doesn't have to all be about work but just chat about news and the situation—show you care. This is especially important for those who live alone or have developed symptoms, or have family members who have. The more this situation unfolds the more people are starting to have friends or family who are sick or becoming ill.

TOP 5 TIPS FOR MANAGING STAFF WORKING FROM HOME

1. Agree hours and workload and review regularly
2. Communicate
3. Set expectations and realistic goals for agreed work
4. Communicate
5. Give regular feedback
6. Communicate

See *Communication, Wellbeing & Getting Advice*, page 13 for wellbeing notes for home workers.

CHAPTER 4: COMMUNICATION, WELLBEING & GETTING ADVICE

Communication is the *art of imparting information by any relevant method*. But knowing what is impart and what to keep confidential is a different issue to how to communicate.

It is accepted that thousands of businesses are facing bankruptcy over coronavirus. If you are in this category you are not alone.

Business interruption loans are available and can be found but are viewed by many as slow or risky. It's not ideal to take out a loan when you don't have a secure (or any) income and don't know what the future holds. But how much of this do you share with your staff?

The answer will depend in each case on the type of business, relationship you have with your employees and what your past relationship has been but our key points are to consider the following;

1. Honesty is usually the best policy but exact details usually confuse and remove the focus
2. Employees aren't daft. They can see what is happening and

There are 5.8 million small businesses in UK employing 16.6 million staff which is 50% of private sector UK turnover.

Source FSB 2019

how much work you have. They will presume the worst if you don't communicate—it may not be as bad as they were thinking

3. Employees deal with bad news better than you think. Those who don't want to help and would rather leave were never that committed to you or your business.

WELLBEING

Simple advice from NHS about wellbeing is to advise others to;

Stay in touch with family and friends over the phone and on social media

Try and keep yourself and others busy with as many activities as possible including online learning

Do light exercise at home or outside once a day

WELLBEING ADVICE FOR HOMEWORKERS IS TO;

Advise employees to find their own space in their home to work even if it's a corner of a room

Advise and ensure they take regular breaks including lunch breaks

Advise they keep regular work hours

Try to give employees regular targets which are monitored and reviewed so tasks or projects don't drift

Advise employees to have separate work and social time where they can shut off work in an evening and not think about their jobs

Give employees information where they can to get IT help or other assistance relevant to their job

GETTING ADVICE

If in doubt get advice, but get advice from the right places. The TV, your accountant or LinkedIn is not going to be the best place

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to receive specific legal advice. Only rely upon people you know and who are expert in their subject. Get tax or finance advice from your account and get HR advice from someone who knows the law and is expert and up to date with the rules and regulations. Getting this wrong is not an option.

CHAPTER 5: VOLUNTEER/EMERGENCY LEAVE

Over half a million people have already volunteered to help within the current crisis to assist the NHS or local councils. Whilst most of these volunteers may not be working or already be Furloughed there are staff who may apply to you to want time off work to volunteer.

The rules of emergency volunteering leave is that this can only be applied for from employers who have more than 10 employees. The leave is unpaid and any employee must give 3 days notice to apply. The employee will need to present their employer with an leave certificate (available from Department of Health or a local Council) referred to as an Emergency Leave Certificate or an ELC.

The leave can be taken in blocks of 2, 3 or 4 weeks from any 16 week period.

Whilst there is no pay for the volunteering period all other contractual benefits run as normal, this includes pension, annual leave and continuity of employment. It is also stated that employees will be compensated from government for losses. Whilst an employer can refuse the application for leave they should be considered on their own merits and in the spirit they are requested. If the leave is refused this could be unfair if not

justified. Any disciplinary action for such leave is likely to be treated as unfair.

Whilst the Emergency volunteer leave process is very specific anyone can apply to volunteer locally with NHS referred to as the 'volunteer army'. The NHS website is calling for four tasks for volunteers that they refer to as 'simple but vital'. These tasks include driving people to hospital for appointments, driving them home on discharge, picking up and delivering medicines and telephoning those in isolation.

This is arranged by the RVS—the Royal Voluntary Service.

CHAPTER 6: SICKNESS & SHIELDING

There are three groups of sickness for employers to consider outlined below.

Group One—those displaying symptoms of coronavirus are not able to come to work and must isolate for 7 days from the day of the symptoms first showing. The Social Security legislation has been amended to allow employers to claim from HMRC from day one of sickness for a maximum of 14 days. The sickness can be covered by an isolation note available on line through NHS111. Employees are entitled to £95.85 per week. After the first 14 days if the sickness continues then the normal rules of sick pay, or SSP, will apply. Should any employee have contractual company sick pay then employees will be entitled to that payment and the SSP reclaimed to subsidise that entitlement.

Group Two—those who are vulnerable to coronavirus are those defined by Public Health England as well as those who are over 70 or pregnant or those with underlying health issues. For these employees there is no entitlement to sick pay but you must ensure that you are meeting the rules of social distancing and if an employee wishes to self isolate then this should be allowed.

Group Three—Shielding is a measure to protect those who are extremely vulnerable by minimising interaction between those and others. Those who are considered to be shielding will usually

have received a letter from the NHS prior to 29 March 2020 to advise them to shield. The measures are explained in gov.uk guidance. This means those who are extremely vulnerable should not leave their homes, and within their homes should minimise all non-essential contact with other members of their household. This is to protect those who are at very high risk of severe illness from coronavirus (COVID-19) from coming into contact with the virus.

Those who have a condition which makes them extremely vulnerable or have received a letter from NHS England are strongly advised to shield themselves.

MEASURES SET OUT IN GUIDANCE ON SHIELDING ARE:

1. To avoid contact with anyone displaying symptoms of coronavirus including high temperature and/or new and continuous cough.
2. To not leave their house.
3. To not attend any gatherings. This includes gatherings of friends and families in private spaces, family homes, weddings and religious services.
4. To not go out for shopping, leisure or travel and, when arranging food or medication deliveries, these should be left at the door to minimise contact.
5. To keep in touch using remote technology such as phone, internet, and social media.

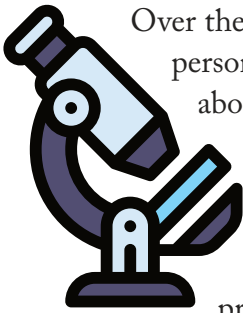


Shielded staff can be placed on furlough leave but they can also work from home if the above measures can be kept to.

There are 1.5m people currently shielding who have received letters from the NHS

Carers of those shielding may be entitled to furlough leave (*see Furlough, page 4*)

CHAPTER 7: MICROSCOPIC BEHAVIOUR



Over the years it has become obvious that personalities and a persons true feelings come out at certain times. It's not just about reacting under pressure it's about more than that, it's similar to the saying that the only time you can ever trust what any member of staff says to you is in their exit interview. How people act in a crisis can offer very valuable insights into commitment, priorities and honesty. It's a unique opportunity to see staff in a different light and not only do these behaviours come out but they are accentuated—it's as though they are put under the microscope. This is something that business leaders need to be aware of as their own actions and behaviours will also come out in the same way.

CASE STUDY ONE

Employee is a new director of a business that can remain open during the crisis. On the first sign of corona he went home and took three children out of school. Director has refused to answer work calls or emails since. The director manages a team of six. When asked to work by the senior Director he responded saying he has been working from home full time. Logging onto the system it is obvious this isn't the case and that the one or two emails which have been sent were out of date, unprofessional and

damaging to the reputation of the business. One customer had complained about one of the emails and its lack of professionalism. When asked in a welfare call if there were any issues, offered flexible hours or to take some annual leave the director replied that there were no issues and work was good indeed that 'he was working hard, was in touch with his team and had adapted well to homeworking'. It was found that the director had made one call to a colleague he managed, stating that he felt it was 'out of order' that the business was still open and hadn't be closed.

CASE STUDY TWO

Employee works as part of a production team of 20 employees who work on a supply chain supporting essential work and products. Employer has spent much time and money in ensuring that strict rules of social distancing and safe policies for separation, staggered start and end times to avoid congestion, and individual work stations are professionally cleaned each night. The employee believes from the TV and media that if he takes 12 weeks off he will be paid 80% of his wages and hasn't come to work or spoken with his employer. Employer has been phoning other employees and telling them not to go to work as a protest and "not to worry as they have to be paid by law".

CASE STUDY THREE

Employee works as part of a call centre team taking calls and has been moved to home working. Employee has been in isolation in her home and been putting in additional hours whilst no one has been watching. Employee never asked for additional reward, has never complained and is helpful to the point of calming down

others and making a real difference to the business and the attitude of those she works with.

Some of these cases arising are more extreme than others and whilst employers should appreciate these are special times and it is unlikely you are going to get the same level of work out of someone working from home during this period as you would when they were office based, it's important to address both the good and the bad as and when they arise. If you have started to notice other employees behaviours as the boss, then others will have also seen this and wonder why that person is allowed to mess about and get away with not working when they themselves are putting in the hours.

TIPS FOR MICROSCOPIC BEHAVIOUR MANAGEMENT;

1. Don't ignore bad behaviour
2. Reward and comment on good behaviour
3. Make notes to remember behaviours and to consider further action

CHAPTER 8: LEADERSHIP, VALUES & BUSINESS PLANNING

As a business leader right now is a time to shine and work on your business skills. Business planning has never been more important but knowing what to plan and how can be tricky.

Our advice is that businesses need to concentrate on the following priorities;

- Being a good leader
- Keeping calm
- Seeking best knowledge from the correct people

Being a good leader means being a boss, not shirking responsibilities or refusing to make tough decisions and not hiding away. So how are you leading right now? What are you leading in? Are you leading at all? Have you looked at your values and are you leading on those?

Keeping calm is part of your role but also part of your duty as an employer. By keeping calm you can keep others calm. Even if you don't feel calm or feel events and any situation is out of your control you need to put plans in place to deal with what you know and what you can control. Others will follow you mood and copy your emotion so it's important to have a word with yourself and ask how you think you are coming across.

Seeking knowledge is so important. No one knows everything. Financial advice needs a financial expert, HR needs an HR or legal expert, social media requires a marketing expert, medical advice a doctor and so on. Getting advice is easy but getting the right advice from the right person takes some planning—don't stumble across something you saw or heard and apply it to your business without checking it out properly and running it past those you trust. Getting different opinions is fine but at the end of the day your business is your responsibility and getting it wrong will be blamed on you. Much information in the public domain is confusing, wrong or generic. Your issues are personal and specific. When you make decisions make sure you consider what weight you can add to different pieces of advice. Getting it wrong isn't really an option right now.

“You’re a leader not a furlough”

DLP advice comes from an embedded philosophy and knowledge that all issues come from people, accountability or communication.

	People <i>(who)</i>	Accountability <i>(what)</i>	Communication <i>(how)</i>
Leadership			
Keeping Calm			
Seeking Knowledge			

By drawing a table of issues down the left hand side and then issues of people (who), accountability (what) and communication (how) across the top you can fill in a table which is a business plan to focus on your business issues, who you trust to give you advice and how you will communicate answers or strategy. It's a useful tool to scribble in what you need to focus on.

“You can only fix the roof when the sun is shining”

VALUES

In amongst the issues, decisions and stress of the past few weeks did you refer to or rely upon your values? In the most serious of business weeks and learning how to survive most business owners totally forgot about their business values.

When the essence of a business is left after you have stripped away the offices, customer base, supply chain, sales funnel and staff—you are left with exactly what you stand for and are focused on what you want to achieve. These are your values. Is it profit which is your goal or helping people?

Take 3 companies making headlines

Sports Direct—Their mission is “*to be the leading sports and lifestyle retailer*”. They were slammed at the start of the crisis for arguing they were an “essential” business to provide sports wear to keep the UK fit and healthy. The controversy is that this put profit before health and safety of staff or the public. But look again at their mission, it is to ‘be’ the leading retailer. That suggests profit does come before lifestyle, it can be argued they were exactly living their mission?

Virgin Atlantic—Were the first company at the start of the crisis, to put all 8,561 staff on unpaid leave for 8 weeks. Their mission is

“To think about long term impact of every business decision made today for the future”. And that’s exactly what they did. They lived their mission.

Apple—Were ahead of the curve. They set up a Corona plan early on which included huge charity giving, donating medical masks in Europe and US and assisting with getting worldwide supply chains moving. They even programmed Siri to ask consumers about symptoms to diagnose COVID-19. Their mission, is to provide *‘the best user experience to customers through innovation’*. They literally put their customers first. They also lived their mission.

Are you leading your business in the focus of your values? Were they your guide to lead you through the confusion, or did you forget they were there?

It’s a good exercise to review them now to see how you fared but also to review your actions and judge your own performance. Did your actions align or did they conflict with your values?

CHAPTER 9: HOLIDAYS, PREGNANCY & OTHER FAQs



What happens when furlough relates to maternity leave?

If an employee has just started maternity leave they will be on the 6 weeks at 90% and then SMP. This can not be changed by Furlough as they were already off work on leave.

If an employee is about to go off on maternity leave or they have a sickness related to corona and being vulnerable they could be furloughed for the period (of not less than 3 weeks) until they start maternity. This happens automatically towards the week of confinement for pregnancy related absence.

If an employee has had their baby and wants to return early (they are not being paid additional maternity pay or their furlough would be more than SMP) then this can be agreed between employer and employee. The normal 8 weeks notice to return can be waived by agreement and they can be furloughed. However bear in mind once furlough is finished they can't return to maternity leave (although could take parental or other family leave)

What happens to apprentices?

Apprentices can be furloughed for their work. If they are to keep their training then they will receive full pay for this.

What happens to those with pre-booked and agreed holiday?

Holidays can still be taken. Some employers want to encourage this in order that there isn't a 'rush' to take holidays on the return back to work when furlough is lifted.

What is the government change to allow holidays to be taken over next two years?

The government has announced workers can carry over up to four weeks (not 5.6 weeks) annual leave into the next two leave years. *The Working Time (Coronavirus) (Amendment) Regulations 2020* amend regulation 13 will allow workers to carry over EU holiday into the next two leave years, where it is not reasonably practicable for them to take some, or all, of the holiday entitlement due to coronavirus.

Does holiday accrue during furlough leave?

Yes holiday will still accrue in the normal way.

How long will furlough last?

Currently this is until the end of May although could be reviewed. It is likely that, at some point, this will just be lifted and mean workers are immediately entitled to return to work whether there is a pipeline of work or not.

Can I make an employee redundant during furlough leave?

Yes this needs careful consideration and business grounds, selection pool etc in the normal way. If there are more than 20 redundancies also need to consider collective consultation and redundancy process.

Can I make an employee take holiday during this period?

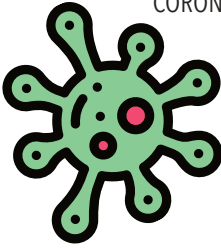
Yes an employer can ask employees to take leave during furlough, the notice period given being twice the amount of the leave period.

I have an employee who started on 15th February but agreed not to go on payroll until end of March (and get 6 weeks pay)

Whilst the guidance is clear employees have to be on PAYE by 28 February in this case where they will be records and evidence of offer letters, contracts and interview this information should be used to support an application to have this person furloughed. Additional information on this can be sought from HMRC.

If I want to discipline an employee whilst they are furloughed can this be done?

To invite an employee to disciplinary would mean they are attending work. This means that if issues are known prior to furlough they should be addressed and dealt with then, if issues arise after furlough then they should wait until the employee returns to work to be raised.



CORONA-VOCAB

Coronavirus	Is the virus (COVID is what it causes)
COVID-19	CORona VIRus Disease 2019 . The virus was formally named by the WHO on 11 February 2020.
SARS2	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
Novel	COVID is ‘novel’ because it’s never been identified in humans before.
Shielded	Those who are considered ‘high risk’ or ‘very high risk’ and need to be shielded from the virus which will likely have more effect on them than others.
Isolation	To separate those who are sick from those who aren’t sick.
Quarantine	To separate those who are well from those who are sick to prevent them being ill.
WFH	Working From Home
OFL	On Furlough Leave
OOO	Out of Office
WHO	World Health Organisation—a United Nations agency responsible for Public Health.
CBIL	Coronavirus Business Interruption Loan scheme offering up to £5 million for SMEs through the British Business Bank.
EVL	Emergency Voluntary Leave