

To Kellie Boydens
Principal Committee and Panel Officer
States Greffe
Morier House
Halkett Place
St. Helier
Jersey
JE1 1DD

19.11.2020

Dear Kellie,

Thank you for your email dated Tuesday 17th asking for Jersey Business's views on the Draft Covid 19 workplace restrictions amendment, due to be debated on Tuesday 24th November. The amendment, if approved, would impose a mask wearing requirement by order (with exceptions) and make provision for contact details to be taken before receiving service in hospitality businesses.

Our views are:

- Industry is broadly supportive of mandating the wearing of face coverings as this step is clearly in the interest of public health. This is also understood to be an important preventative measure against the further spread of Covid-19 which could trigger even further restrictions on businesses opening.
- Business have voiced a view that mandating face coverings will also assist in the protection of staff who are in customer facing roles as voluntary customer adoption has so far been sporadic.
- Contact tracing is an important part of the island's protection against Covid-19 and this is also widely understood and supported by retail and hospitality businesses. Asking all customers to provide their contact tracing details has already been widely adopted by business and a unified approach to how this is done may make it easier for customers.

Some areas of concern are:

- We have a particular concern with the section titled "requirement to support Covid controls". The accompanying report states "*The amendment will allow orders to be made that would require business to not serve anyone who is refusing to comply with the terms of an order and to make them leave the premises*"
- This effectively orders businesses take on an enforcement role which, in every other area of law, is a task undertaken by either the police or by specific Government departments that have the capacity, skills and authority to enforce legislation and regulation.

- This goes further than laws in the UK on face coverings where businesses are required to “take reasonable steps to promote compliance with the law”. Those reasonable steps are outlined in UK guidance which includes displaying relevant government signage and asking customers to wear masks.
- Expecting businesses to take on an enforcement role may put staff into confrontational situations that they are neither experienced in nor trained to deal with. There has been an increase in aggression towards retail and hospitality employees during the pandemic and it would be unfortunate to create more situations that may cause this to rise.

Most importantly, businesses will need clear and practical guidance on how to implement their response to these public health restrictions within their premises. We have already been contacted by the officials in Government who are developing the public health policy and wherever possible will feed industry concerns and practicalities into development of the guidelines.

Lorie Rault
Head of Retail
Jersey Business

Link to UK guidance referenced above

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/shops-and-branches>

(Section 6.1)