

Critical Workers: Exemptions From Post-Travel 14 Day Isolation Period Categories, Conditions And Process

Important: legal notes

This document is a variation, made by the Civil Contingencies Authority ("the CCA") under regulation 3(6)(b) of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020 ("the Regulations"), of the requirement of persons arriving in the Bailiwick by air or sea to self-isolate for 14 days, imposed by regulation 3(3) of the Regulations. It is a variation only in relation to the category of case of Critical Workers, as that term is defined in this document. The nature of the variation is as specified in this document.

The assessment of whether a person falls within a category is a power of the CCA that is being delegated to determining officers pursuant to an arrangement made under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 ("the 1991 Law"). The determining officers are responsible to the CCA as required under section 4(1)(a) of the 1991 Law.

This variation only applies to someone who has made a successful application in the form set out herein. The effect of the variation is that a person to whom it applies does not have to self-isolate in accordance with the requirement at regulation 3(3) of the Regulations, but only if that person complies with the conditions that apply to him or her. This document sets out those conditions; further conditions may be imposed in particular cases.

If a person to whom this variation applies fails to comply with the conditions which apply to him or her in respect of the variation, the variation shall lapse as it applies to that person, and he or she may be liable to prosecution under the Regulations.

The employer of someone to whom this variation applies must ensure that, so far as reasonably possible, that person complies with the conditions applicable to him or her. An employer who fails in that duty may be liable to prosecution under the Regulations.

Please note that applications will not be granted in respect of workers who will be required to stay within the Bailiwick for a period longer than eight weeks, except in exceptional circumstances. Accordingly, such workers will need to self-isolate for 14 days in accordance with the requirement set out in the Regulations.

Categories of Critical Workers

Critical Workers are defined as **individuals whose presence in the Bailiwick is required to keep critical services running**. Where such critical workers are required, and are not already available in the Bailiwick, exemptions from the self-isolation requirements in the Regulations ("Exemptions") can be considered for the purpose of enabling those workers to travel to the islands to carry out the vital work identified.

CATEGORY	DESCRIPTION
Air and Sea Links	Those individuals directly involved in maintaining the Islands' air and sea links.
Critical National Infrastructure	Those individuals directly involved in maintaining and protecting the Islands' critical national infrastructure.
Frontline Health and Care Services	Those individuals providing, or directly facilitating, critical front line health and care services.
Emergency Services and Justice Administration	Those individuals delivering emergency services or the administration of justice.
Education	Education professionals delivering critical activity within the Islands' schools.
Business Stability and Recovery	Those individuals involved in business continuity and/or business recovery – see note below.
Technical Specialist Contractors	Those skilled individuals required for construction projects to continue or begin – see section below.
Financial Stability	Those individuals involved in ensuring financial stability and resilience.

Definition of business stability and recovery

There is a very specific set of criteria, each of which needs to be met to demonstrate that an off-island individual should be granted critical worker status in this category. These are:

- professionally qualified technical or specialist expertise that is not currently available or accessible on-island;
- a designated role and/or set of tasks that will be completed during a fixed term;
- the role and/or set of tasks is time critical; and
- not granting the exception at this time would lead to one or more of the following outcomes:
 - a business would not be able to continue in operation;
 - a business' continuity plan would be undermined in a way that meant it could not comply with regulatory, health and safety or other essential statutory standards, and that this would mean it could not continue to operate some critical functions fully;

- a business would be unable to resume a project or commercial contract that would either (a) prevent the return to employment of on-island works, or (b) lead to the curtailing of employment for current on-island workers.

In this category the business must (a) provide a method statement of how it will meet social distancing and hygiene standards and (b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for Covid-19.

Risk mitigation and exemption conditions: general

Each successful applicant for an Exemption must:

- not attend the place of work if they have any symptoms of Covid-19, no matter how mild;
- stop working immediately and withdraw from the workplace if symptoms develop whilst working and arrange for testing for the virus COVID-19;
- adhere to good standards of hygiene and respiratory etiquette;
- follow the instructions given to either:
 - self-isolate in their place of residence when not in their place of work until the 14 days are up; or
 - follow any other Public Health Guidance.
- wear a mask if within 2m of other people;
- if staying overnight, have a confirmed address at which they are staying;
- use only pre-arranged transport where the details of the driver are fully recorded or a hire car to move between the workplace and their place of residence; and
- remain on-island for the duration of their work.

Further specific conditions may be imposed in particular cases.

There are additional conditions for technical specialist contractors in the construction sector set out below.

Risk mitigation and exemption conditions: technical specialist contractors in the construction sector

This category is defined as off-island specialist technical consultants required *in situ* on-island to support projects considered to support business recovery work in the construction sector, where social distancing and hygiene requirements can be met, and where there is a clear requirement to augment on-island capacity and capability for a designated period.

Each of the following conditions applies to and in respect of workers falling into this category, in addition to the general conditions set out above.

Movement on-island

- Any worker that is not resident in the Bailiwick will be required may only travel between their place of work and a specified place of residence.
- The place of residence (for example a hotel or self-catering accommodation) must enable the worker to self-isolate when not at work.

Site precautions

- During works the site must be zoned, i.e. the areas of work must be isolated using fencing and barriers, with a separate vehicular entrance for the operative.
- All elements of work are an outside activity and a distance of over 10m can be maintained to all other persons at all times.
- Dedicated toilet and hand washing facilities must be provided to each of the work areas for the sole use of the operatives. These would be portable toilets with spray disinfectant supplied for use on handles for before and after each use. Running water and hand washing points would be located in each of the work areas. Hand sanitiser would also be provided to be used regularly throughout the day.

Accommodation

- Workers on a single project stay in one hotel or set of self-catering units.
- Food will be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit. The cooked food will be supplied on a 'closed tray' system. Collection of the used plates will be at pre-arranged times.
- Towelling and bedding will be left outside self-catering units of used in a sealed bag to all direct loading into a washing machine.
- At the end of the self-isolation period a specialist cleaner must be employed to complete a deep clean using a ULV Microbial fogging method.

Health requirements

- None of the proposed workers have presented any symptoms historically or at present, nor have any of the other members of each of the respective households.
- Workers undertake testing at an accredited testing centre 72 hours prior to travel.
- Workers undertake a 5-day test and a 13-day test.
- The business meets the cost of all testing in Guernsey.

Skills requirements

- The specialist contractor will have to be registered with the Office of Environmental Health and Pollution Regulation with information as to why this work is required to be done by an external contactor.
- It is confirmed that each worker is providing a service or set of skills that cannot feasibly be secured on-island.
- Each worker's role is critical to the progression of the project.
- Each worker has relevant formal professional qualifications to undertake their role.
- There is a specified start and end to the period of work required.

Health insurance

- External contractors must have health insurance for their employees which covers COVID-19 related matters.

Making an application

In order for appropriate decisions to be made in regard to applications for Exemptions, the applicant will need to provide sufficient information for decision makers to determine:

- 1) if the travel itself is necessary to keep critical services running across the Bailiwick – i.e. the applicant meets the definition for a Critical Worker and such resource is not already available in the Bailiwick; and
- 2) if the person named in the application can confirm that they do not have, and have not had during the previous 14 days, any of the symptoms of Covid-19.

Each applicant is required to fill in an application form to provide the relevant information to the decision makers involved (form at Appendix B). The notes at the foot of the form state where it should be sent and provide further information.

Appeals

All appeals should be sent by e-mail to portcriticalworker@gov.gg or criticaltravel@gov.gg within 24 hours of the initial decision.

The appeal should state the reasons why the decision is being appealed.

APPENDIX A:

Extracts from the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020

PART I

SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC.

Imposition of restrictions and requirements.

3. (3) *A person who has arrived in the Bailiwick by air or sea and who has left an infected area within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick must self-isolate for 14 days.*

[...]

(6) *The requirement to self-isolate under paragraph (3) and a requirement to self-isolate imposed under paragraph (4) may be varied –*

- (a) *by the MOH in relation to a particular case, orally or in writing,*
- (b) ***by the Authority in relation to or to one or more categories of case, or in relation to all cases, by publication on the relevant States of Guernsey website.***

[...]

(8) *The powers of the MOH and the Authority under paragraph (6) to vary the requirement under paragraph (3) or a requirement imposed under paragraph (4) include (but are not limited to) powers to –*

- (a) *specify exceptions to the requirement to self-isolate, and*
- (b) *shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH being satisfied that one or more specified conditions have been met,*

and such powers may be exercised either in relation to a particular case (as regards the powers of the MOH), or one or more categories of case, or all cases (as regards the powers of the Authority).

**APPENDIX B:
Critical Worker Travel Application Form**

Surname(s):	
First Name(s):	
Position/Job Title:	
Employer:	
Line Manager(s)/Area(s) of Work:	
Contact Number:	
E-Mail:	
Address whilst in Guernsey:	
Exemption Category (e.g. Financial Stability)	
Nature of Work: <i>Please include the reason for travel and why this should be considered critical, including why it is not possible for the worker to self-isolate in the normal way on arrival</i>	
Please explain how the risk mitigation and exemptions conditions will be fulfilled?	
Please detail any hospital worked in, in the previous 14 days if applicable:	
Do you have now, or have you in the last 14 days had any symptoms associated with COVID-19? If yes, please provide details	
Have you had any known contact with positive or suspected Covid-19 case in last 14 days (Yes/No): If yes please provide details	

Proposed dates of travel:	Journey 1	
	Date:	
	Departure location & time:	
	Arrival location & time:	
	Mode of transport (flight number or vessel name):	
	Journey 2:	
	Date:	
	Departure location & time:	
	Arrival location & time:	
	Mode of transport (flight number or vessel name):	

Declaration

I, [insert full name] declare that the information provided in this application is, to the best of my knowledge and belief, true and accurate.

I confirm that I am authorised by [insert name of person, his/her position within the company and the company's full name] to make this application.

I understand that I must not travel into the Bailiwick of Guernsey if I have any symptoms associated with COVID-19 (fever, new cough, sore throat, loss of taste or smell) at the time of travel, even if a critical worker travel exemption has been previously approved.

I understand that if my application is successful and I do not comply with the conditions which apply to me, the variation of the self-isolation requirement as it applies to me will lapse, and I may be liable to prosecution.

Notes

- (a) Applications for critical worker travel approval relating to air and sea links (individuals directly involved in maintaining the Islands' air and sea links) should be made directly to Guernsey Ports Critical Worker Panel using the e-mail address portcriticalworker@gov.gg.

Applications may also be made through the States of Guernsey's Population Management Office at criticaltravel@gov.gg or 01481 715790.

- (b) Should your response to any of the questions change between submitting the form and arriving on island, you must inform the Guernsey Ports Critical Worker Panel and/or Population Management Office immediately at portcriticalworker@gov.gg and/or criticaltravel@gov.gg.
- (c) Please note that this application does not fulfil your requirements under the Population Management Law, and anyone living or working in Guernsey requires a valid permit to do so.
- (d) Please note that your details may be passed to the Guernsey Border Agency for enforcement purposes.
- (e) You will be contacted by email with a decision.