



## Law Society Advisory on COVID-19: Infectious Diseases (Workplace Measures to Prevent Spread of Covid-19) Regulations 2020

Dear Members,

Yesterday night, the Ministry of Health issued the [Infectious Diseases \(Workplace Measures to Prevent Spread of Covid-19\) Regulations 2020](#) ("**the Regulations**"), which are equally applicable to law practices. In essence, Regulation 4(1) of the Regulations requires all employers to implement prescribed telecommuting measures unless it is not reasonably practicable to do so. The prescribed telecommuting measures require employers to: (a) provide the necessary facilities for every worker to work at home during the control period (2 April 2020 - 30 April 2020); and (b) direct every worker to work at home during the control period. Failure to comply with Regulation 4(1) without reasonable excuse is an offence.

Pending further guidance from the authorities on illustrative examples of reasonable practicability, the COVID-19 Task Force is of the view that if law practices fail to implement the prescribed telecommuting measures, construing Regulation 4(1), the Court may hold that the onus is on the employers to prove that "it is not reasonably practicable to do so". This is of course a tentative and non-binding view that is not indicative or conclusive of the legislative intention. While there is no definitive view of what reasonable practicability means, case law suggests that a risk computation will be involved<sup>1</sup>, i.e. applying this in our setting, there must not be a "gross disproportion" between the costs of implementing the prescribed telecommuting measures and the risk of the spread of COVID-19. In our view,

given the worsening public health situation, preventing the spread of COVID-19 is paramount and law practices must use reasonable endeavours to implement the prescribed telecommuting measures.

Be that as it may, the COVID-19 Task Force recognises that law practices may need to retain a skeletal team in the office for work exigencies; where this is necessary, law practices must comply with the "safe distancing measures" prescribed in Regulation 5 of the Regulations such as:

- (a) Team A/Team B segregation (as far as reasonably practicable) [see Regulation 5(1)(a)];
- (b) staggered working hours (as far as reasonably practicable) [see Regulation 5(1)(b)] and not remaining at the workplace longer than necessary [see Regulation 5(2)(c)];
- (c) if someone exhibits symptoms of coughing, sneezing, breathlessness or a runny nose, or is otherwise physically unwell, to immediately report to a designated staff [see Regulation 5(1)(c)]. To that end as well, employers need to conduct regular temperature screening as the Law Society has advised on previously; and
- (d) maintain a distance of at least 1 metre between any two individuals in the workplace (be it seating, queues or in a workplace area (not limited to only hotdesking areas or workstations but also pantries, waiting areas, restrooms, etc.) [see Regulations 5(1)(d) and 5(2)(b)]. Avoid having too many staff being in close proximity in a small space.

In addition, the specific steps identified in Regulation 5(2)(a) of the Regulations should be observed:

- (a) chairs (unless affixed) in workers' workstations and meeting rooms must be arranged to be at least 1 metre away from any other seat at all times; and
- (b) alternate seats must be demarcated as seats not to be occupied. Practically, some law firms have put masking tape denoting "X" or an A4 paper taped to the chair with a prominent message "DO NOT SIT HERE".

Further, employers must defer or cancel all organised activities within the workplace that involves physical interaction between employees excepting what is critical to operations [see Regulation 5(3)(a)].

For more details of the legislative requirements, see the Law Society's flowchart [here](#). Please also refer to the Ministry of Manpower's (MOM) [Advisory on Safe Distancing Measures at the Workplace](#) (last updated on 26 March 2020).

We understand that the MOM has already conducted inspections of a number of law

practices to check for compliance with the safe distancing measures that are now prescribed by the Regulations. The COVID-19 Task Force would like to remind law practices to take their obligations seriously and prioritise compliance with the Regulations immediately. The key thing (apart from the safe distancing pointers above) is to be intentional about telecommuting for your staff and make some effort in that direction.

If law practices anticipate specific issues or concerns with compliance with any of their statutory obligations under the Legal Profession Act and its subsidiary legislation, please write in to the Law Society at [membership@lawsoc.org.sg](mailto:membership@lawsoc.org.sg) or call 6538 2500. Please also refer to our website at <https://www.lawsociety.org.sg/2020/02/09/advisory-updates-on-2019-novel-corona-virus/> for the latest updates issued by the Law Society, the Courts and the Government on the COVID-19 situation.

COVID-19 Task Force

2 April 2020

<sup>1</sup> *Public Prosecutor v MW Group Pte Ltd* [2018] SGDC 110 at [49].