

Guidance note 3/2020

Coronavirus COVID-19 – fieldwork & enforcement activity

Date: 26 March 2020



Fisheries Management Scotland have been asked by a number of members for clarification on who is allowed to go to work under the current 'lockdown'. We have been asked this question in the context of two key activities - science & monitoring and enforcement.

The Government advice is changing rapidly, and we will keep this under constant review. At the time of writing we believe this is an accurate representation of the current situation.

The Scottish Government have issued guidance for [business and social distancing](#).

Welfare of staff should be the primary concern. Under the current circumstances, there should be no obligation for staff to participate in specific activities if the individual considers the risk to be too high. It is unlikely that either the UK or Scottish Government will identify a list of what is, and what is not, essential and there is no tailored guidance for the types of activities that may or may not be safe to continue with. **The key principle as set out by the First Minister is that employers should consider whether they can operate in line with safe social distancing practice and normal health and safety. If they cannot answer yes, they should stop operations and staff should remain at home.** The BBC have summarised a number of points made by the First Minister in a [recent article](#).

The First Minister stressed that it is for employers to make these decisions. The UK and Scottish Government have provided some examples of essential services, but these relate to those involved in the protection and preservation of human life, or the wellbeing of the nation. In the case of activities that cannot be undertaken at home, employers should establish ways to avoid unnecessary contact with others. The First Minister discussed the possibility of other activities and highlights people working alone, providing community services such as gardeners or window cleaners can continue to work. She said *"If they can go about their business safely this can be good for the community and we would encourage them to do so,"*

As emphasised, it is for employers to assess the risks in relation to the operational requirements of the activity. In making this assessment, DSFB and Trust Managers, as those responsible for employment, may wish to consider the following key points in relation to their activities.

Where activities such as science and monitoring, field work, enforcement and related work involves working in a team of two or more people and in close proximity of each other, [social distancing practice](#) will rule this work out for the time being. However, there may be cases where certain activities can be carried out alone and in compliance with social distancing measures. **Welfare of staff should be the primary concern.** Under the current circumstances, there should be no obligation for staff to participate in specific activities, if the individual considers the risk to be too high.

Examples of appropriate measures which should be considered in the context of working alone are:

- Health and safety protocols and practice should be constantly reviewed in light of COVID-19;
- Where it is consistent with health and safety protocols, staff should work alone and travel in separate vehicles;
- When operating out of the office, a distance of at least 2m from other people should be maintained at all times;
- In the specific case of enforcement activities:

- Suspects should only be approached if there is reason to believe that an offence is being committed. When doing so, keep a safe distance of at least 2m;
- In any potentially hostile situation, or if compliance cannot be gained, staff should immediately back off and call for assistance (either from another water bailiff or Police Scotland);
- All government advice relating to hand washing/ hand sanitisation should be followed and disposable gloves should be worn if any items that may have been in another person's possession must be inspected.

There is no legal requirement for DSFBs to continue to implement enforcement activity, however we recognise that this activity remains a priority under the current circumstances. Staff who have concerns about continuing to operate under the current circumstances should discuss this with their manager. There is useful guidance for employers and employees at [ACAS - Coronavirus \(COVID-19\): advice for employers and employees](#)

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