

Temperature taking on entry to the workplace

The most common symptoms of COVID-19 are a new continuous cough and/or a fever/high temperature (37.8C or greater). A high temperature is feeling hot to the touch on your chest or back or you may feel warm, cold or shivery.

With this in mind, some businesses are choosing to take temperature readings of employees, visitors or contractors and make decisions based on these readings.

A business or organisation can check temperatures using hand-held thermal scanners or a handheld device and can consider excluding staff or visitors with temperatures at or above 37.8C.

Public Health England do not currently recommend temperature readings as a way of detecting or managing the spread of the virus. Although temperature testing has been used in other countries, there are a number of set issues with this. It may be argued that such a test is necessary to help ensure health and safety of workers, but this is uncharted territory.

Temperature is not an exceptionally accurate way to assess risk of COVID-19 as it is possible that some will be contagious but have no fever. By the same token, a raised temperature is not necessarily indicative of COVID-19, meaning you may decide to exclude someone who is perfectly safe to work.

If oral thermometers are used, two-metre social distancing will not be followed and sterilising the thermometer will be an issue. If people are checking their own temperatures, there is a greater possibility for a mistake to occur than if this is done by a trained professional.

From an employment law perspective, consent is an issue here as the test could only be taken with the employee's agreement. If a test is carried out, the result will be special category personal data, which can only be processed on certain grounds under GDPR.

If you use an occupational health professional to conduct the test, this will be compliant with GDPR. However, if you don't, the position is less clear. Employers would also need a short policy document on GDPR compliance in this regard if they intend to carry out temperature checks.

If an employee submitted to a test but, in the employer's opinion, it is too high, the employee could be sent home. However, as the employee has reported as ready, willing and able to work, and it is the employer's decision to send them away, they would be entitled to full pay in this circumstance.