

## Re-open for business in the UK – How to safely re-open shops and retail outlets

26 May 2020

The UK government has set out a three-stage plan to ease the 'lockdown' restrictions implemented due to COVID-19. The first stage commenced on 13 May, with some restrictions on who can go to work being lifted and clarified, the ability to meet one other person from another household outside, and the allowance of unlimited exercise. It is expected that the second stage, involving the reopening of 'non-essential retail shops', could be implemented from 15 June. In anticipation of this, the government has issued guidance on how to safely re-open shops.

Whilst the specific actions that a retailer needs to take will depend on the nature of their business and their premises, we've set out below some of the key issues that should be considered when making plans for re-opening.

- **Protecting your employees.** Think carefully about how to protect retail staff that are returning to work. Only the minimum number of people needed for a shop to operate safely and effectively should be on site and extra care should be taken in respect of staff members in vulnerable groups or who develop, or live with someone who develops, COVID-19 symptoms. As far as possible, staff should be split into teams or shift groups so that any contact is limited to a small group of people. Please see our article, ["Re-Open for Business – How to plan a safe return to the workplace,"](#) for further guidance.
- **Limiting the number of customers.** Physical distancing should be maintained in stores whenever possible. Taking into account the total floor space, as well as likely 'pinch points' and busy areas, businesses will need to determine the number of customers that can reasonably follow 2 meter physical distancing within the store and any outdoor retail areas. The number of customers in the store, overall and in particular areas of congestion, should then be limited accordingly. Customers should also be encouraged to shop alone if possible. Shopping centers should take responsibility for regulating the number of customers in the center and the queuing process in communal areas on behalf of their retail tenants. Dialogue with neighboring businesses, landowners and local authorities may be helpful for managing shared queuing spaces outside shops.
- **Managing customers.** Consider how customers walk through the shop and ways this could be adjusted to reduce congestion and contact between customers; for example, using queue management or one-way systems, with clear floor markings and signage. Staff should be given designated positions from which they can provide advice or assistance to customers whilst maintaining appropriate physical distance. Consider using signs and posters to remind staff

and customers of the latest government guidelines. Customers who are accompanied by children should be reminded they are responsible for ensuring their children follow physical distancing. Consider what steps will be taken where customers are not complying with physical distancing requirements.

- **Suspending certain activities.** Where physical distancing isn't possible due to the nature of a particular activity, assess whether it is possible to suspend or reduce the frequency of that activity. If the activity must continue for the shop to operate, businesses should put in place measures to reduce the risk to staff and customers. Examples include increasing hand washing and surface cleaning; keeping the activity time as short as possible; using screens or barriers to separate people from each other; using back-to-back or side-to-side working (as opposed to face-to-face); and reducing the number of people each person has contact with by using "fixed teams or partnering" (so each person only works with a few others). In-store restaurants and cafes should remain closed to the public until further notice, except for takeaways.
- **Customer fitting room policies.** Carefully consider whether fitting rooms should be open, given the challenges in operating them safely. If open, they should be cleaned between each use and procedures should be put in place to manage clothes that have been tried on; for example, by delaying their return to the shop floor. Contact between customers and colleagues during fitting should be as limited as possible.
- **Handling goods, merchandise and other materials.** Take steps to limit customer handling of merchandise (for example, by different display methods, using protective covers on large items, removing 'testers', new signage or rotation of high-touch stock) and, where possible, put in place contactless pick-up and drop-off collection points to avoid passing goods hand-to-hand. Businesses should also encourage contactless returns and refunds, and keep any returned or extensively handled items separate from displayed merchandise during a designated 72-hour 'quarantine' period.
- **Contactless payments.** Think about how to minimize contact between staff and customers during payments. Businesses might consider requiring customers to pay by card and ensuring contactless payment is available.
- **Reducing transmission during deliveries of merchandise.** Procedures should be implemented that minimize any unnecessary contact during deliveries of goods to the store. Where possible and safe, single workers or fixed pairs of workers should unload vehicles. Businesses might also consider reducing the frequency of deliveries by ordering larger quantities of merchandise less often where practical.
- **Additional hygiene measures.** All shops should be properly ventilated and frequently cleaned. Particular care should be given to cleaning busy areas, bathrooms and surfaces that are touched regularly such as self-checkouts, trolleys and staff handheld devices. Handwashing facilities or hand sanitizer should be provided in multiple locations for workers and customers to limit the spread of infection. Public Health England has indicated that hand sanitizer products should have an alcohol content of 60% or higher in order to be effective against COVID-19. Waste facilities should also be increased and more frequent rubbish collection organized. Face coverings are not required for retail staff, however companies that choose to provide them should provide support to ensure they are used correctly to minimize the risk of infection.

- **Maintain open dialogue with employees.** Businesses should engage with employees and employee representatives on an on-going basis in relation to re-opening plans and changes to the working environment. Employees should be involved in assessing risks and the development and review of workplace health and safety policies in partnership with the employer.

At least initially, it is likely many consumers will remain anxious and cautious about returning to retail shops and outlets. Creating and maintaining a safe shopping environment will be essential to encourage people to visit stores and boost sales. Failure to do so could also result in criminal sanctions and civil claims from customers and employees. Retailers should keep all re-opening measures and policies under review and ensure they continue to be effective and in line with the latest government guidance.

These issues are rapidly evolving and we are working with a number of clients on implementing safe re-opening plans. For further information on this topic, please contact the authors, your usual Hogan Lovells contact or visit our [COVID-19 Topic Center](#) for the latest updates.

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