

[F1]SCHEDULE 1D

Regulation 6K

Workforce tests

Textual Amendments

- F1** Sch. 1D inserted (9.4.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 5) Regulations 2021 (S.I. 2021/454), regs. 1(2), 13

Interpretation of Schedule 1D

1. In this Schedule—

“P” means a person required to undertake workforce tests under regulation 6K (workforce testing);

“workforce test” means any of the categories of workforce test described in regulation 6K(6).

Requirement after failure to undertake test

2.—(1) Sub-paragraph (2) applies where P fails to undertake a workforce test that P is required by regulation 6K to undertake.

(2) Where this sub-paragraph applies, P must isolate at a suitable premises until the earlier of—

- (a) the end of the 14th day after the day on which they arrived in Wales; or
- (b) the time P obtains a negative result from a workforce test.

(3) P must comply with any applicable obligations in regulation 6K(2) during any period that P is required to isolate in accordance with sub-paragraph (2).

(4) Where P is required to isolate in accordance with sub-paragraph (2), regulation 10(4) applies.

Consequences of test results

3.—(1) Where a workforce test undertaken by P in accordance with regulation 6K generates a positive result—

- (a) P must as soon as reasonably practicable undertake a further test which complies with the requirements for a day 2 test specified in paragraph 1 of Schedule 1C;
- (b) P must isolate at a suitable premises until the end of the 10th day after the day P undertook the test.

(2) Where P is required to isolate in accordance with sub-paragraph (1)(b), regulation 10(4) applies.

(3) Where a workforce test undertaken by P in accordance with regulation 6K generates a positive result—

- (a) if that test was a workforce test undertaken for day 2, P is not required to undertake a workforce test for day 5 or day 8;
- (b) if that test was a workforce test undertaken for day 5, P is not required to undertake a workforce test for day 8.

(4) Where a further test undertaken in accordance with sub-paragraph (1)(a) generates a negative result, this paragraph applies to P from the time P is notified of that negative result as if the workforce test undertaken by P in accordance with regulation 6K had generated a negative result (and accordingly, from that time, P is no longer required to isolate).

Status: Point in time view as at 09/04/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, SCHEDULE 1D. (See end of Document for details)

(5) Where a workforce test undertaken by P in accordance with regulation 6K generates an inconclusive result, P must as soon as reasonably practicable undertake a further workforce test and that further workforce test is to be treated as a replacement workforce test within the meaning of regulation 6K(4) (requirement to undertake workforce tests).

Duties on employers

4.—(1) An employer with more than 50 employees who is the employer of any person who is required to undertake workforce tests or has responsibility for any agency worker who is required to undertake workforce tests, must take reasonable steps to facilitate the taking of those tests by that person or agency worker in accordance with these Regulations.

(2) In the discharge of the duty under sub-paragraph (1), an employer must have regard to any guidance issued by the Welsh Ministers for the purposes of this paragraph.

(3) In paragraph (1) an employer has responsibility for an agency worker if—

- (a) the agency worker is supplied or to be supplied by a person (an “agent”) to the employer under a contract or other arrangements made between the agent and the employer; and
- (b) the agency worker is not—
 - (i) a worker because of the absence of a worker’s contract between the agency worker and the agent or the employer, or
 - (ii) a party to a contract under which the agency worker undertakes to do the work for another party to a contract whose status is, by virtue of the contract, that of a client or customer of any profession or business undertaking carried on by the agency worker.]

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