

EMPLOYMENT ESSENTIALS EXPLAINED

Welcome

Employment essentials explained:

Returning to work, ending furlough & protecting staff

EMPLOYMENT ESSENTIALS EXPLAINED

Meet the team

Connect with your hosts on LinkedIn by scanning the relevant QR code below.



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Agenda

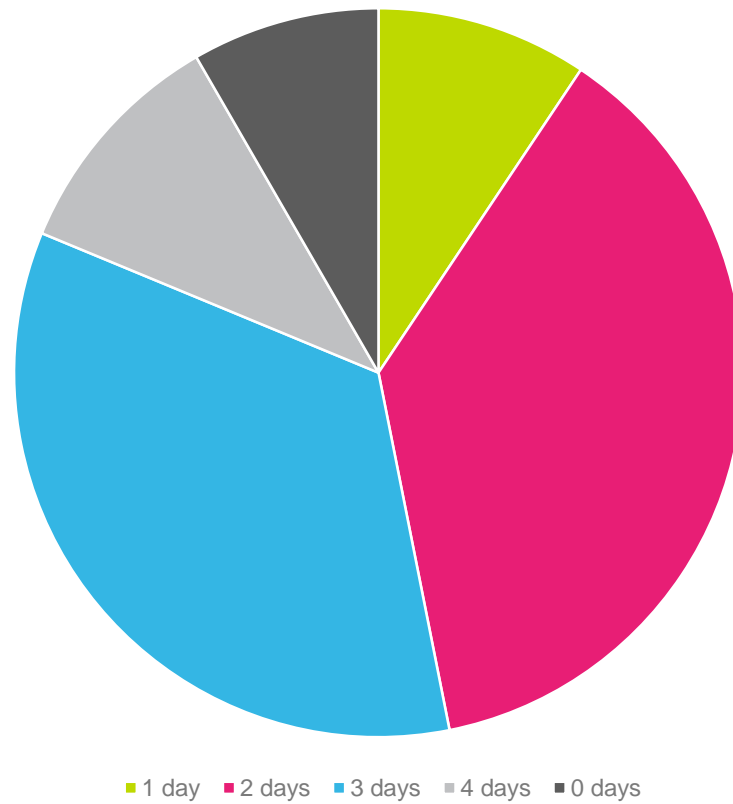
- ❑ Supporting employees back to the workplace
- ❑ How to end furlough and re-integrate staff
- ❑ The risks of getting it wrong
- ❑ The latest on vaccinations and covid-19 testing in the workplace
- ❑ Your questions

Poll time!

For employees who are able to work from home, how many days do you anticipate them working from home going forward?

Poll result

No. of days of homeworking going forwards



Supporting employees back to the workplace

- Follow DSE guidance and advice.
- Communicate regularly with staff about the practical steps that are being taken.
- Make sure that staff are clear of the rules.
- Be flexible where possible.

Supporting employees back to the workplace

- Remember mental health is just as important as physical health.
- Be sensitive to underlying tensions.
- Whilst members of staff need to be up to date, they don't need to be overwhelmed.
- Have a structured 'return to work' discussion:
 - How are they feeling?
 - Consider factors outside of work
 - Provide updates
 - Signpost staff to available support

***“At what point can we
‘make’ employees return to
the office given that they
have all been working from
home successfully for over
a year?”***

“What steps can you take in relation to employees who are working from a different country and also refuse to return to the country they are employed from?”

“What advice do you have in relation to employees who are suffering from stress about Covid and who will not return to work?”

Any other practical tips on ending furlough?

- Properly assess your requirements.
- Give sufficient notice and stick to that date!
- Provide a business update.
- Consider if 'KIT-style' days would be beneficial.
- Be prepared for employees who may not want to return!

What are the risks of getting it wrong?

- ✘ Impact on mental health.
- ✘ Reduced productivity?
- ✘ Health and safety issues – potential personal injury claims/prosecutions.
- ✘ Potential employment-related claims.

Case law update

Rodgers v Leeds Laser Cutting

- Claimant claimed automatic unfair dismissal having been dismissed by his employer for refusing to return to work during the first lockdown last year
- He attempted to rely on s100(1) of the ERA – arguing that he had been in serious and imminent danger and so refused to return to work
- The Employment Tribunal considered whether the Claimant believed that he was in serious and imminent danger and whether it was objectively reasonable for him to hold that belief.
- It concluded the Claimant's belief was not objectively reasonable and dismissed the claim.

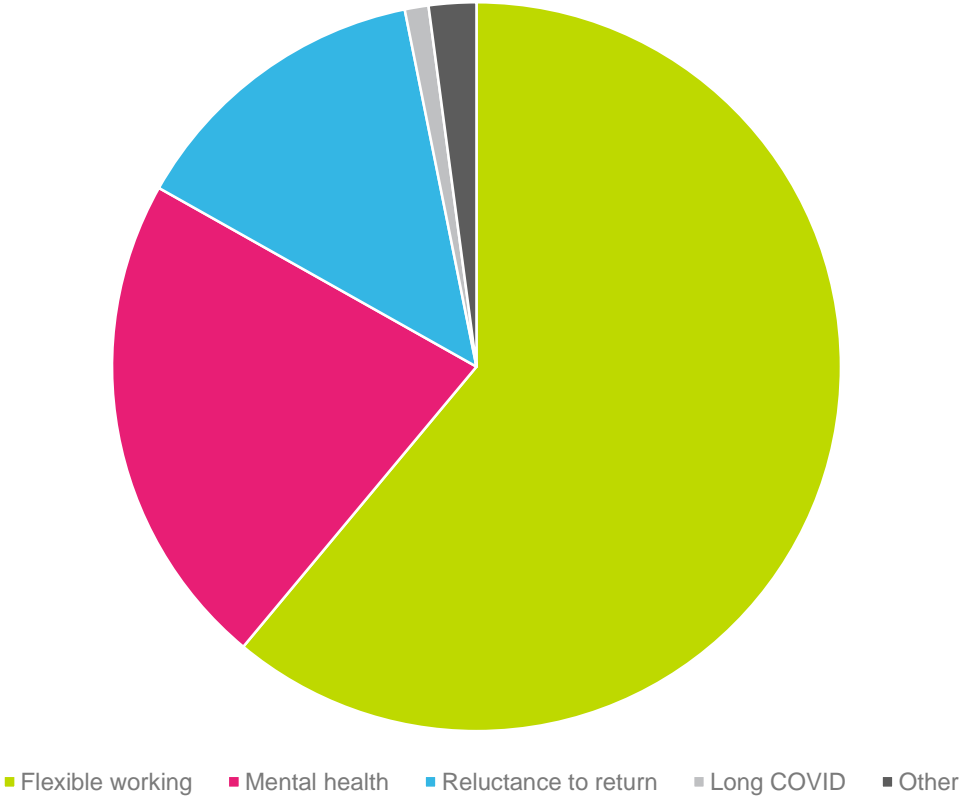
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Poll time!

What do you think will be your biggest HR issue over the coming months?

Poll result

Biggest HR issue in coming months



Vaccinations in the workplace

- No jab, no job?
 - Update contract for new starters to make offer conditional on vaccine.
 - Potential for discrimination?
- What about existing employees?
 - Is having a vaccination a 'reasonable management instruction'?
 - Potential for discrimination?

Shoosmiths top tips!

- ✓ Positivity and encouragement are key.
- ✓ Get your internal communication strategy right!
- ✓ Explain why the vaccine is so important and the impact on the business.
- ✓ Enable employees to make an informed decision.
- ✓ If employees are reluctant, understand why.

“Can staff without vaccinations be treated differently e.g. different building or meeting virtually only?”

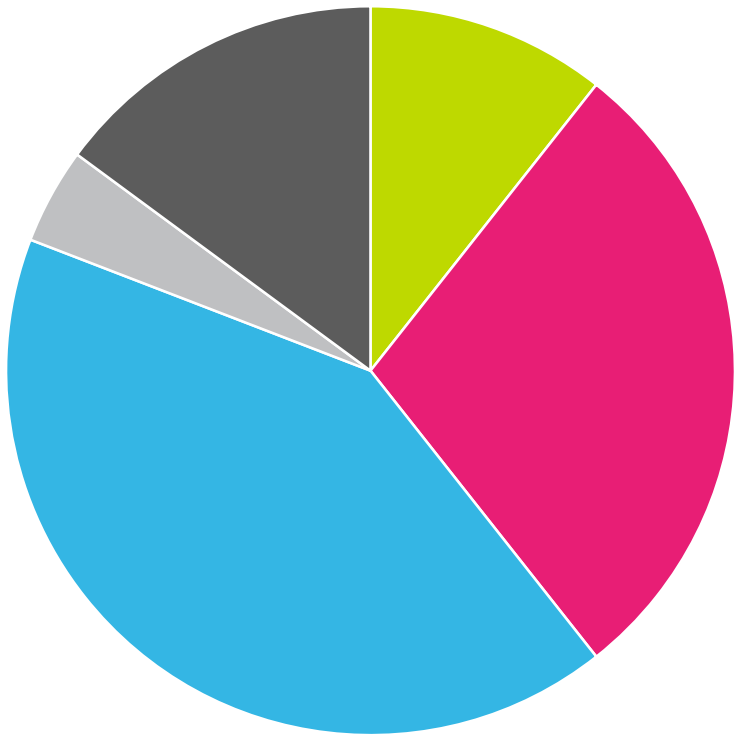
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Poll time!

Are you implementing covid-19 testing in your workplace?

Poll result

Employers implementing COVID-19 testing



■ Yes mandatory ■ Yes voluntary ■ None ■ Considering mandatory ■ Considering voluntary

Covid-19 testing in the workplace

- Can you justify a mandatory policy?
- How is it going to be communicated its staff?
- What happens to employees who fail to comply?
- What are the data protection implications?



“Are people with disabilities exempt from rapid testing?”

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