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## May 2020 Update

Welcome to this month's update - where we discuss the latest legislation and guidance.

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In this month's edition, we report on:

- Covid-19 Returning to work – risk assessments and procedures: fixed price package
  - Holiday leave during Furlough Leave
  - Extension of IR35 Postponed
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### **Covid-19 Returning to work – risk assessments and procedures: fixed price package**

Many employers are reviewing the steps needed to return to work. It is not just a matter of switching the lights back on, businesses need to have clean practices in place. The guidance expects employers to put together a Risk Assessment and have appropriate procedures.

We can guide you through:

- How to take care of your staff and safeguard their health and welfare on their return to the workplace
- The COVID-19 Risk Assessment you should do
- The steps needed to get your workplace safe
- COVID-19 Response plan Template documents for implementing a practical return to work to include:
  - \* Guidance for returning to work for employees

- \* Risk assessment document
- \* Workplace zone allocation
- \* High traffic use identification
- \* Practical adaptations to the workplace
- \* Cleaning schedule and task allocation spreadsheet
- \* Supplies ordering record
- \* Meeting guidance
- \* How to assess your workplace initially and on a regular basis

This comprehensive plan is easy to get you off the ground and operate. Implementing & communicating this plan will build trust and a healthier environment for your staff and customers.

**Employers:** We are offering this package of documents and a thirty-minute advice call for a fixed price of £350 for the next 7 days (the usual price is £450).

**Contact us:** For advice, procedures and documents

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## Holiday leave during Furlough leave

Many employers are now compelling employees to take annual leave while on furlough, mainly to prevent them accruing eight months' worth of holiday (furlough now being extended to last between 1 March and 31 October 2020) being due when they return to work or their employment ends.

The government has published guidance, which supports a view I have previously expressed (but which is not accepted by all professionals) that employers can compel employees to take holiday during furlough.

The relevant part of the guidance states:- "If an employer requires a worker to take holiday while on furlough, the employer should consider whether any restrictions the worker is under, such as the need to socially distance or self-isolate, would prevent the worker from resting, relaxing and enjoying leisure time, which is the fundamental purpose of holiday."

My view is that employers can expect employees to take holiday during furlough leave, they need to comply with regulation 15 of the Working Time Regulations and give twice

the amount of notice as the holiday leave to take as well as paying the holiday pay at 100%.

**Employers:** Make sure you are clear with employees about the taking of holidays in Furlough

**Contact us:** We can assist with Furlough leave advice

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### **Extension of IR35 Postponed**

The government has announced that the extension of IR35 to medium and large companies in the private sector is being postponed by a year, to 6 April 2021.

The IR35 tax rules are aimed at making sure that where a contractor who provides their services through an intermediary (often their own limited company) would be considered to be an employee if that intermediary were not used, that contractor is subject to broadly the same tax and National Insurance contributions as employees.

This is a welcome delay for companies in these current difficult times.

**Employers:** Make sure you have the right contractor agreements in place

**Contact us:** We can assist with advising on contractor agreements

**For more information or assistance Email:** [enquiries@employmentlawsupport.co.uk](mailto:enquiries@employmentlawsupport.co.uk)



**Silverstone**  
Business Forum

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Employment Law Support    Principal: Caroline Robertson  
Solicitor Non-Practising