



September 2021 Update

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

In this month's edition, we report on:

- Businesses can choose to have 'no job, no job' policies
 - Covid-secure workplace measures are now more important than ever
 - One in four firms will continue to allow working from home
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Businesses can choose to have 'no job, no job' policies

Companies are able to introduce a requirement for members of staff to be vaccinated before returning to the workplace, but apart from care home providers there will not be specific legislation on this.

What employers need to know about mandating vaccines

The majority of firms have no plans to verify employees' vaccination status, although it is a certainly a 'smart policy'. However, employers should be careful about taking a "broad brush" approach to vaccination requirements.

Outside of care homes in England, the employment tribunal remains the ultimate decider on whether employers can require staff to be vaccinated. Every claim relating to a refusal to be vaccinated would depend on the specific facts and employers that take any action against an employee who has not been vaccinated face a high risk of a claim, if they cannot show they acted reasonably.

Employers should encourage staff to have the vaccine when offered but making the vaccination compulsory could be discriminatory, as there are a small minority of people who are not vaccinated either because they can't for medical reasons or choose not to for other reasons.

Employers: Employers should highlight the benefits of the vaccine and provide paid time off to enable people to attend vaccination appointments.

Contact us: We can help your business with reviews of working arrangements

Covid-secure workplace measures are now more important than ever

It's been a milestone week in England with many children going back to school and their parents returning to their workplaces, instead of working from home. But whilst it's good to celebrate returning to the new normal, it's important that employers don't lose sight of the importance of workplace health and safety.

Reduce your risks

This is not a time for relaxing any guidelines or restrictions, make sure you keep strict measures in place including increasing ventilation, regular cleaning, better hand hygiene, improved social distancing, regular testing and perhaps even the continued wearing of masks, particularly in indoor areas, to prevent and reduce the risk of the virus spreading.

We should not forget that the virus is still very much living amongst us and even if you have been single or double vaccinated, it's possible to become infected and ill as a result. It's also essential that you look at ways in which you can reduce the risks of it being passed onto others, especially those who are classed as clinically vulnerable.

Recently, The Institution of Occupational Safety and Health (IOSH) advised organisations "not to let their guard down", particularly in light of a possible spike in infections because of children being back at school. And the Institution of Occupational Safety and Health (IOSH) agreed, saying that "employers should continue implementing preventative measures to reduce the likelihood of infection in the workplace."

Health and safety law

We are keen to stress the importance of comprehensive Covid Risk Assessments. Not only is failing to conduct one a potential breach of health and safety law, but they are very helpful at identifying proportionate controls to protect workers, clients, consumers and communities.

If you have one in place already, it might be a good time to review its effectiveness, including monitoring and supervision, so that it continues to identify and control:

- The risks of transmission
- People who could be at a higher risk
- The measures needed to reduce the risk

Employers: every business is different, we recommend that you consult your workforce on health and safety matters to increase buy in and engagement. Plus, don't forget if you have fewer than five employees you still don't have to write anything down, but we think that it might help you and your workers if you do.

After all, it's far better that everyone knows upfront what's going on and can fully understand how you are protecting them and what their role is.

Contact us: We can review or put together risks assessments for affordable fixed fees.

One in four firms will continue to allow working from home

One in four businesses have said they intend to allow their staff to continue to work from home at least some of the time.

While this is lower than at the height of the pandemic, when two in five firms allowed all workers, and one in five allowed most workers to work remotely, it is still a considerable increase from pre-pandemic arrangements, when just 17 per cent of businesses said they would allow all staff to work remotely. It seems that one in five businesses still said they would not allow any remote working after restrictions are lifted, this is down from more than a third before the pandemic.

A number of firms said they would ask employees to come into work for a set number of days a week:

- 7 per cent for one day a week;
- 12 per cent two days a week;
- 11 per cent three days a week, and
- 6 per cent four days a week.

9 per cent said all their workers would work remotely, the same as the 8 per cent who said this before the pandemic. These findings come as the Chancellor encouraged people to return to offices now that the government has dropped its work-from-home guidance.

Rishi Sunak, who worked in finance before moving to politics, said he would not have done as well in his career if he had worked virtually as he appreciated the mentors who helped him through his career.

Employers: Need to make the decision that is right for them with a gradual return to the physical workplace.

Contact us: We can assist with a Remote Working Policy for £60

For more information or assistance Email: enquiries@employmentlawsupport.co.uk



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