



Managing a return to work after lockdown

13 May 2021

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HR
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Introductions

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About HR Solutions

HR Solutions is an award-winning HR and Health and Safety consultancy. We're experts in the field, having delivered outsourced HR consultancy for 20 years. Today we offer a full HR service for our clients. From Payroll to Administration, Health and Safety to Recruitment, we take the stress out of managing a workforce for over 400 businesses, across multiple industries.

Our growing team of 27 is experienced in helping small business to multi-nationals. Our retained clients are matched with a dedicated HR or Health & Safety Consultant, supported by knowledgeable HR Advisors and Administrators.

We're big enough to help. But small enough to care.

www.hrsolutions-uk.com

27
employees

400+
retained
clients

300,000
annual
cases

Presenters



Joe Sword
Strategic Consultancy Director



Victoria Templeton
HR Knowledge Manager



Sue Watson
Head of Client Services



Technical support



Atim Arden

Digital Marketing Executive





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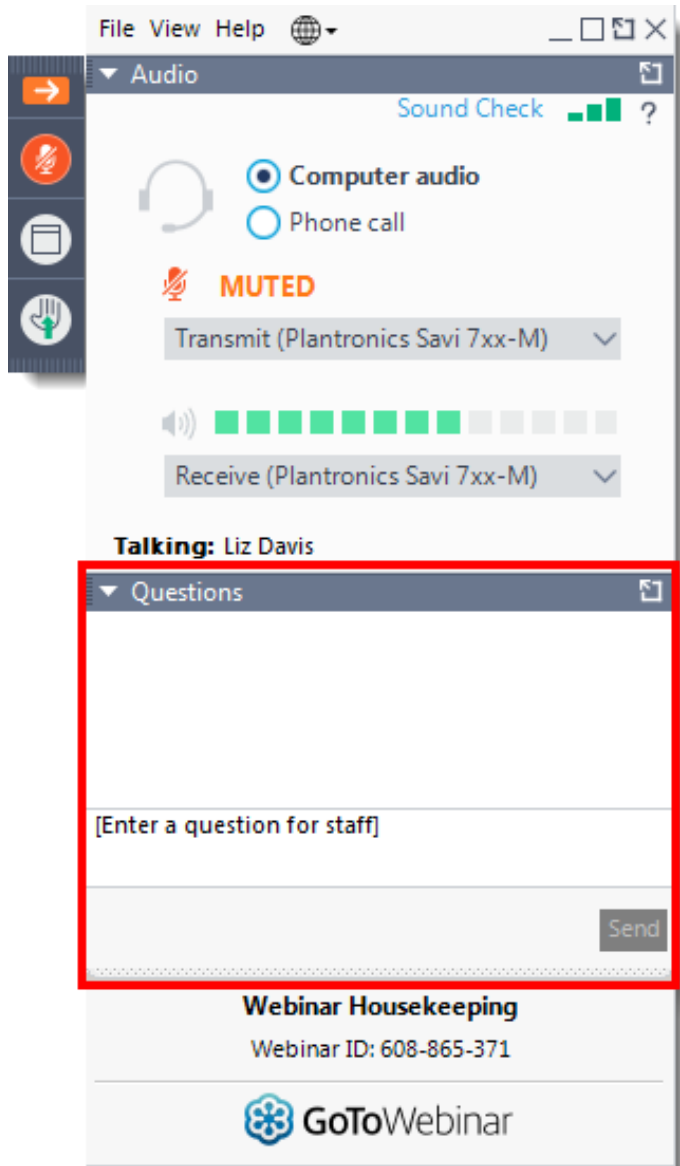
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A group of diverse professionals are seated in a meeting room. In the center, a man with a beard and glasses, wearing a grey cardigan, has his right hand raised. To his left, a woman with long dark hair is looking towards him. To his right, a woman with long blonde hair is also looking towards him. In the background, other people are visible, some looking at their phones. The room has large windows and indoor plants.

How to ask questions

GoToWebinar Housekeeping: Time for Questions



Your Participation

- Please continue to submit your text questions and comments using the Questions panel



Agenda

- **Current Situation**
- Resource Planning
- Bringing employees back
- The law relevant to managing a return to work
- What does a Covid secure workplace look like?
- Workplace Screening
- Q&A



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Current Situation

- Work from home if you can and minimise travel
- Furlough ends 30 September 2021
- Vaccinations & Vaccine passports
- Covid-secure workplaces
- New working practices
- Continued employee Covid-19 absences
- Increased mental health absenteeism
- Development Gaps

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Resource Planning

- Business & HR planning – short, medium and long term
- What roles and skills do you need in your operation moving forward?
- What roles you need back from Furlough?
- When do you need them back?
- Do you need Furlough?
- Can you support all your employees back?
 - Do you have enough work?
 - Can you afford to pay all employees?

Options?

- Kickstart scheme or apprenticeships
- Utilise Furlough
- Lay off
- Short time working
- Redundancy
 - 100+ employees = 45 days consultation
 - 20+ employees = 30 days consultation
 - Less than 20 = meaningful consultation

Furlough

- Aim = keep people in jobs for longer
- Ends 30 September 2021
- Deciding who returns
 - Non discriminatory approach
 - Volunteers
 - Work activity
 - Process based on skills
- Notice to return
- Confirmation in writing

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Bringing employees back

- Covid secure workplace
- Hybrid Working
- Training
 - New starters
 - New working practices
 - Line manager training



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Relevant Employment Law

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Equality Act 2010
- Employment Rights Act 1996
- Human Rights Act, article 8
- Data Protection Act 2018/UK DPR

Health and Safety at Work Act 1974

- Duty to protect the health, safety and welfare of employees, and other people who might be affected by the business
- Section 2: Requires an employer to take all reasonably practicable steps to reduce workplace risks to their lowest level
- Section 7: Failure to take all reasonably practicable steps to reduce workplace risk to their lowest level a criminal offence
- Section 7: Duty placed on employees to cooperate with their employer as is reasonably necessary.
- The Management of Health and Safety at Work Regulations 1999: Suitable and sufficient assessment of risks to employees health and safety

Equality Act 2010

- Protected Characteristics
 - Age
 - Disability
 - Gender Reassignment
 - Marriage and Civil Partnership
 - Pregnancy and Maternity
 - Race
 - Religion or Belief
 - Sex
 - Sexual Orientation
- Direct, Indirect, Arising from, victimisation, comply with the duty to make reasonable adjustments

Employment Rights Act 1996

- Right not to suffer a detriment or be unfairly dismissed
- 2 years service required
- From day 1 for automatic unfair dismissal
- Example of automatically unfair reasons:
 - Health and Safety: employee left or refused to return in circumstances of imminent danger
 - Employee taking appropriate steps to protect themselves or others in circumstances of imminent danger
 - A protected disclosure (whistleblowing)

Human Rights Act

- European Convention on Human Rights
- Article 8
- *“Everyone has the right to respect for his private and family life, his home and his correspondence....”*
- *“There shall be no interference by a public authority with the exercise of this right.....”*
- *Relevant in the context of vaccinations*

UKGDPR / Data Protection Act 2018

- Data Protection Act 2018
- Consent is a legal basis for obtaining and processing personal data
- Data Retention
- Storage

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Covid-19 Risk Assessment

- Health and Safety at Work Act 1974:
 - Duty to protect the health, safety and welfare of your employees and other people who might be affected by your business
- The Management of Health and Safety at Work Regulations 1999:
 - Suitable and sufficient assessment of risks to employees health and safety
- Contractors, agency workers, clients
- Covid-19 specific
- Prior to return
- Communicate the risks and outputs from the assessment to your employees

Risk Assessments

Covid-19 Risk Assessment - include areas such as:

- Access to premises
- Social distancing
- Hygiene
- Staff/Visitors demonstrating symptoms
- Extremely Clinically Vulnerable employees
- Staff behaviour
- Training of staff

Adjustments to the premises

- Maximum number of people on site
- Rota system
- Rethink the physical set up of the work space
- Avoid hot desking
- Additional cleaning
- Regulate use of corridors and stairs
- Separate entrance/exit points
- Temperature screening on arrival

Adjustments to the role

- Can the role operate from home?
- Could the role operate between home and the office so time on site is limited
- Can you change the way in which the work is carried out? For example, using technology to minimise face to face interaction
- Can you structure the working day differently?
- Can you change the start/end time to avoid peak commute times
- Can you accommodate flexible working arrangements especially to support those with caring responsibilities

Refusal to return to work

- The Management of Health and Safety at Work Regulations
 - Make “suitable and sufficient” assessment of risks to employees health and safety
- Employment Rights Act
 - Employees are protected when acting to protect their own or other’s safety
- Serious and Imminent Risk?
- Is Covid-19 a serious and imminent risk?

Refusal to return to work

- Staff engagement
- Information and consultation
- 121 welfare discussion
- Revisit the risk assessment
- Any compromises?

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Workplace Screening

- Each business, job, employee circumstance is different
- What works for one business, may not work for another
- Signed declarations
- Workplace testing
- Vaccinations

Workplace Screening

- Can be measures identified via the risk assessment
- Aim is to protect the health, safety and welfare of your employees and other people who might be affected by your business
- Employer must take all reasonably practicable steps to reduce workplace risks to their lowest level
- Duty placed on employees to cooperate with their employer as is reasonably necessary.
- Not to interfere in private life

Employee Declaration

- Simple form completed before accessing the premises
- Employee/Visitor confirms:
 - Symptoms
 - Household members
 - International Travel
- Data protection Act 2018/UKGDPR
 - Legal basis to process
 - Retention periods
 - Storage

Workplace Testing

- Readily available to employees and employers
- 1 in 3 people asymptomatic
- Data Protection
 - Lawful basis for processing
 - Retention periods
 - Storage
- Optional or mandatory?
- Reasonable instruction?
 - Is it necessary and proportionate?
 - Is it compliant with UK GDPR?
 - Type and context of work
 - Any other measures?

Vaccinations

- Complex legal issue
- Government not mandating vaccinations
- Relevant legislation:
 - Data Protection Act
 - Health & Safety at Work Act '74 (sec 2, 7)
 - Human Rights Act – article 8
 - Equality Act 2010 (Age, Religion, Pregnancy, Disability)
- Can discrimination be justified?
 - Legitimate aim
 - Is the method of achieving that legitimate proportionate?
- Dealing with refusals

Vaccinations

- Refuse Employment?
- International Business Travel?
- Can indirect discrimination be justified?
 - Can a policy of requiring job applicants be justified discrimination against young people?
 - Can a policy of requiring mandatory vaccine for international travel be justified?



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UPCOMING WEBINARS



How serious allegations can be handled safely
17 June, Thursday | 10am - 11am

What are protected or “without prejudice” conversations
15 July, Thursday | 10am - 11am

Remote working: how can you manage performance?
12 August, Thursday | 10am - 11am

Save your spot!

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<https://hrsolutions.microsoftcrmportals.com/events>

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UPCOMING WEBINARS

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Business Support: 7 Key Successes – Interactive Accelerator Program

- Vision & Goals | 21 April, Wednesday | 11am – 12pm ✓ watch on demand
- Sales & Marketing | 28 April, Wednesday | 11am – 12pm ✓ watch on demand
- Mindset | 5 May, Wednesday | 11am – 12pm ✓ watch on demand
- Cashflow | 12 May, Wednesday | 11am – 12pm ✓ watch on demand
- Systems & Processes | 19 May, Wednesday | 11am – 12pm
- Profitability | 26 May, Wednesday | 11am – 12pm
- Team & Culture | 2 June, Wednesday | 11am – 12pm

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Further questions?

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