



ActifHR

Where people matter...

October 2020 Update

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

In this Edition we report on:

- New self-isolation regulations for employers
 - The Job retention bonus
 - Redundancy – make sure it is meaningful
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New self-isolation regulations for employers

On Sunday 26 September, the Government has just brought in new mandatory periods for self-isolation, under the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020.

These regulations set out compulsory periods for self-isolation and a duty on employees to notify the names of people in the same household who have tested positive for Covid-19.

Regulation 7: this is the most important regulation for Employers

This regulation makes it illegal for an employer to knowingly allow a worker (including an agency worker) to attend any place, other than where the individual is self-isolating.

This includes people who are required to self-isolate if they live with someone who has tested positive or they have been notified by the NHS Track and Trace System.

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Therefore, if an employer knows a worker has tested positive (or lives with someone who has done), the employer must stop the worker from working (unless they can work from home). Any employer who does not do so will face a fine, starting at £1,000.

Under regulation 8, Employees must tell their employer that they are self-isolating in these circumstances.

Any individual who breaches self-isolation is committing a separate criminal offence (**reg 11**).

Employers: need to be make sure the business and workers comply with these regulations

Contact us: we can assist with advice where staff are needing to self-isolate

The Job retention bonus

The Treasury has just issued guidance on the new job retention bonus, here is a quick summary:

- the Job Retention Bonus is available to employers for each employee in the following circumstances:

(a) the employee has been on furlough at some point; and
(b) they remain employed, and not under notice, on 31 January 2021.

- HMRC will make a payment of £1,000 to the employer for each eligible employee.
- This bonus to the employer does not have to be given to the employee.
- To be eligible to receive the bonus, the employer must have paid a salary of at least £1,560 to the employee between 6 November 2020 and 5 February 2021. This is to stop the employer getting a bonus of £1,000 by keeping, say, a zero hours employee on the books and paying them a tiny amount before 31 January 2021).
- An employer must put in a claim for the bonus between 15 February and 31 March 2021.

Employers: further guidance can be found at: <https://www.gov.uk/guidance/check-if-you-can-claim-the-job-retention-bonus-from-15-february-2021>. See our blog at <http://www.actifhr.co.uk/blog/>

Contact us: we can assist with changes you may need to make to staffing levels

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Redundancy consultation – make sure it is meaningful

Of those companies planning to make redundancies, more than 25 percent said they would be telling staff via video calls or over the phone.

It seems only a third (33 per cent) intended to tell people face to face.

Redundancies should be a last resort and employers must make sure they follow a fair and balanced selection process and conduct consultation proceedings with affected employees with as much warning as possible.

Given the significant number of redundancies expected over the coming months, employers need to establish the business rationale for redundancies and see what other cost savings they can make as a first step.

Employers may need to build in extra time into the consultation process, to allow for any logistical issues arising from consultations that may be conducted remotely.

It is also important that redundancy consultation is conducted over a sufficient timeframe to explore other ways to prevent possible redundancies, seek alternative employment, review the selection criteria chosen, scores awarded and listen to employees' input.

Employees have the right to be accompanied at these meetings.

Every employer should approach a redundancy process with compassion and treat employees with dignity, respect and kindness.

Consultations needed to be meaningful and messages delivered in a face to face discussion can be misheard over electronic communication.

Employers: meaningful consultation is key to the fairness of any redundancy dismissal

Contact us: don't be the 24% of employers unaware of the process

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Caroline has a wealth of experience supporting business clients with practical hands on HR and Employment Law advice. Caroline's pragmatic approach helps businesses of all sizes deal with complex HR situations. She qualified as a Solicitor in 1999 and now acts as a specialist Human Resource / employment Law Consultant to business.

Caroline Robertson, Director



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