



ActifHR

Where people matter...

July 2021 Update

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

In this Edition we report on:

- Can (and should) Employers enforce mask wearing as restrictions are lifted?
 - Is furlough an option for self-isolating staff?
 - How Human Resources can remotivate workforces after Covid
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Can (and should) Employers enforce mask wearing as restrictions are lifted?

Employers face dilemmas from the 19 July as coronavirus restrictions are lifted – one being whether employees and customers still need to wear face coverings indoors. The government now suggests individuals decide for themselves when it's appropriate to wear masks.

For businesses, the key factor is to protect the health and safety of staff by following applicable guidance. The employers who plan to impose masks at work after 19 July will need to have a "good reason" for the requirement.

Staff are being encouraged to return to the office, with many firms implementing hybrid working. The "good reason" to keep mask wearing at work is fact specific and so thought needs to be given to the reasons why.

Factors you can take into account include the views of staff and customers and may be applicable to businesses which are customer facing, such as retail and the hospitality sector.

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We advise that businesses undertake a genuine dialogue with staff about the measures to keep or change, including mask wearing. The difficulty is that employers cannot require workers to wear masks after the legal obligation is lifted.

If it was an item of personal protective equipment the employer could require employees to wear as part of their risk assessment, but masks are not PPE. Still, if employees want to continue the use of masks in the office then a “reasonable employer” would support that decision. The consultation process with staff is key particularly as they have been told for the last 12 months to wear mask and there may be some unease when the practice is lifted.

Although employers may be able to leave some matters to individual employees’ discretion, they may still want to keep some protective measures such as ventilation, social distancing and use of hand sanitisers.

The key thing is that whatever decision is taken you should be able to clearly explain how this decision has been reached and how safety is still of primary concern. If someone objects to wearing a mask, employers should manage it on individual basis and take into consideration the specific position of the employee involved.

Employers: it is advisable to have a policy covering the wearing of face masks if they are to be kept or amend existing policies as the context has changed.

Contact us: for specialist HR advice and guidance, including contracts of employment and policies

Is furlough an option for self-isolating staff?

The HMRC guidance on the coronavirus job retention scheme (CJRS) states that if an employee is sick while on furlough, they can remain on furlough pay. An employer can move an employee to Statutory Sick Pay (SSP) from furlough pay but this rarely happens.

However, where the contractual sick pay is for full pay, there may be claims from the employee that the employer should top up the payment to the full amount rather than furlough pay. The question of whether a self-isolating employee who would otherwise be working could be placed on furlough is much more unclear.

HMRC’s guidance states that the scheme “*is not intended for short-term absences from work due to sickness*”.

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It goes on to state that *“short-term illness or self-isolation should not be a consideration when deciding if you should furlough an employee. If, however, employers want to furlough employees for business reasons and they are currently off sick, they are eligible to do so”*.

The guidance to employees says that *“If your employer wants to furlough you for business reasons and you are currently off sick, they are eligible to do so as with other employees.”*

The reference to furlough being used only if there are ‘business reasons’ will have deterred many employers from using the scheme for staff who are self-isolating, due to Covid. There is no definition of what ‘business reasons’ means and cautious employers do not have want to risk a claim for furlough that may later be seen by HMRC as an abuse of the scheme, leading to a possible HMRC sanctions.

Employers: if an employee is self-isolating you are able to consider whether to put the employee on furlough pay depending upon the business reason.

Contact us: we can assist with furlough pay questions and employee management.

How Human Resources can remotivate workforces after Covid

The emergence of a new hybrid workplace means that managers will face challenges around employee motivation, often with a tired and disparate workforce.

The need for improved communication with employees is already well understood with ongoing remote working. How better communication translates into best practice will be crucial.

Employers with motivated workers have initiated a bigger push towards the personalisation of the employee experience, especially where employees are brought on to work remotely. Nearly 30 percent of new employees decide to leave their employer because of a lack of good processes at onboarding, induction and training in the first 3 months.

About half of Top Employers (49 per cent) get access to virtual pre-boarding platforms which often involves sending out contract documents, policies and training information before an employee joins, to make the process more streamlined and welcoming.

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Involving new starters at an early stage with internal social media groups and finding out a little about them in terms of their hobbies and what other skills they can bring to the business, allows them to feel part of the team at the start.

In addition to annual engagement survey, we are finding that businesses who make an effort through their management team to keep in touch with and talk properly to their employees, to understand how they are feeling and involve them in consultations have higher employee retention and motivation.

Employee involvement in action plans for business improvement and the regular use of employee focus groups in decision making increases employee engagement resulting into a happier workforce.

When employees were asked to name the chief areas for improvement in engagement surveys, the need for more “development opportunities” comes out top. This is certainly an area for improvement in terms of using career development opportunities to motivate employees, which has suffered during the pandemic.

By finding out about the skillset of your employees, particularly those people who have been here for one to two years, to enable them to acquire the skills they need, as well as skills they have to bring to the business is key.

Employers: as businesses recover from the pandemic, there is a need to work hard to retain the interest, engagement, and loyalty of your employees.

Contact us: we can help with reviews of staff structures and onboarding processes

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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.

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