



ActifHR

Where people matter...

September 2021 Update

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

In this 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

Businesses can choose to have 'no job, no job' policies

Companies can introduce a requirement for members of staff to be vaccinated before returning to the workplace, but except 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 this may be a 'smart policy'. However, employers should be careful about taking a broad brush approach to vaccination requirements at work.

Outside of care homes in England, employment tribunal are still 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 action against an employee who has not been vaccinated often face a high risk of a claim if they can't show they acted reasonably.

Tel: 01327 317537

M: 07947567661

E: caroline.robertson@actifhr.co.uk/info@actifhr.co.uk

ActifHR Ltd, Innovation Centre, Silverstone Park. NN12 8GX

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

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 has 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 after many months. Whilst it's good to celebrate returning to the new normal, it is also important that employers don't lose sight of the importance of workplace health and safety.

Reduce your risks

It is not a time for relaxing restrictions. It's important to keep strict measure in place including good ventilation, regular cleaning, better hand hygiene, social distancing, regular testing and perhaps even wearing of masks, particularly in indoor areas, to prevent and reduce the risk of the virus spreading.

We should not forget that even if you have been single or double vaccinated, it's possible to become infected. 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.

The Institution of Occupational Safety and Health (IOSH) has 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 that employers should continue implementing preventative measures to reduce the likelihood of infection in the workplace."*

Health and safety law

We are keen to emphasise the importance of comprehensive Covid Risk Assessments. Failing to conduct a full risk assessment is a potential breach of health and safety law, as well as they are very helpful at identifying proportionate controls to protect workers, clients, consumers and communities.

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

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

Employers: we recommend that you consult your workforce on health and safety matters to increase buy in and engagement. 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. 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 plan to allow their staff to continue to work from home at least some of the time.

Whilst 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 significant increase from the pre-pandemic arrangements, when just 17 per cent of businesses said they allowed all staff to work remotely. It seems that one in five businesses have still said they would not allow any remote working after restrictions are lifted, this has reduced from more than a third before the pandemic.

Firms have 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, around the same as the 8 per cent 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.

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Rishi Sunak, who worked in finance before going into politics, said he would not have done as well 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



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

Tel: 01327 317537

M: 07947567661

E: caroline.robertson@actifhr.co.uk/info@actifhr.co.uk

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