



Planning for Post Pandemic Return to Workplace

The pandemic has affected the working world immensely over the last 12 months with many workplaces still off limits and many employees continuing to work from home.

However, with the roadmap now set for society to reopen many employers will be considering plans for bringing staff back to offices and workplaces after an extended absence. This is likely to bring various challenges. Aside from return to workplace planning, employers will also be considering their stance in relation to remote and flexible working and perhaps planning to retain elements of this.

The government is expected to formally review their guidance around working from home by 21

June 2021 but there is set to be a less restrictive approach from 29 March 2021.

The pandemic has proved to be an extremely challenging time for both business and employees and whilst there is an eagerness for life to resume this will not come without some anxieties.

Employers should consider and plan carefully for a return to the workplace, whilst also deciding which parts of the new working world should be retained.

To help you navigate this period, we have prepared a checklist of the key questions you will need to consider.

Returning to the Workplace Checklist

Working Safely / Return to Work/ Flexible/Home working

- Where do your employees need to be based? Are you planning on a full-scale return to the workplace, retaining working from home as a default, or a hybrid model?
- Will you consult or involve your workforce/ representatives/trade unions in formulating this approach? What issues do you expect will be raised?
- Update your flexible working policies and other relevant policies (for example travel expenses, employment benefits) to reflect the changes.
- Review your employment contracts and offer letters to ensure they are consistent with new working arrangements.
- How will you communicate your expectations?
- How many of your employees can return at any one time? Monitor the latest Working Safely guidance and consider updating risk assessments. It is likely that the Working safely guidelines and social distancing measures will be in place for some time.
- Update your health & safety policy.
- Consider your employee's journey to work and deal with any concerns. Consider changing start and finish times.
- Recognise that some employees may be nervous at the thought of returning to the workplace. Ensure they know how concerns can be raised.
- Consider how you will deal with concerns about return to work and any refusals to return. Legal claims can arise in relation to these matters.
- Ensure employees who have returned from overseas do not attend your workplace during the quarantine period and that this requirement has been clearly communicated.
- For permanent home working ensure you have carried out a risk assessment, that arrangements are in place for supervision and training and that your stance on contributing to any expenses has been communicated.

How will you deal with information security and confidentiality? Will you monitor working hours/ log in times and if so what legal issues are relevant?

Vaccination / Testing

- Have you issued communications surrounding your support for employers to get the vaccine, such as allowing employees to have time off to get their job?
- What stance will you take in relation to vaccinations?
- If you are considering auditing your workforce on whether they have had the vaccine, have you considered the data protection implications?
- Does your business operate in a sector where requiring your employees to be vaccinated may be justified, if not, could this requirement leave you vulnerable to discrimination and other legal claims?
- How will you deal with any refusals from employees to inform you of their vaccination status (if that is what you will require)?
- Will you require returning employees to be medically tested? There are numerous factors to consider including handling this type of medical information, whether you will carry out the testing at work and if so the practicalities.
- Have you clearly communicated to your employees that they must not attend the workplace if they are required to self isolate? In England, it is an offence for employers to knowingly allow staff who are required to self isolate to attend at work. However there are no restrictions on them working from home in these circumstances.
- Are you complying with the test and trace requirement to ensure records are kept of employees and anyone else working on your premises and shift times on a given day and their contact details for a period of 21 days?
- Have you updated your sick pay policy to reflect COVID-19?
- Have you considered, when possible, offering private vaccinations to your employees?

Working together

- Have you considered how you are going to ensure your workforce are aware of the importance of being sensitive to each other's views? The pandemic and its' effects are extremely sensitive topics ripe with controversial debate which could cause friction within the workplace.
- Do you need to put on training for staff to ensure a smooth transition back to the office?
- Have you updated your dignity at work/ harassment and bullying policy?

Furlough / Restructure / Redundancy

- What are your predicted working requirements? Will you have sufficient work for your teams as the business continues / opens up? Will you need to recruit extra people?
- If you have a reduced requirement for employees will you keep them on furlough or will you make redundancies now?
- Could you implement other measures such as hours reductions or pay reductions as an alternative to redundancies?

- If you are proposing to dismiss as redundant 20 or more employees at one establishment in a period of 90 days there is an obligation to inform and consult with employee representatives within minimum time periods. Ensure that legal advice is taken.
- If you are making redundancies ensure that you adopt a fair process including fair selection criteria where applicable. Employees may have the right to claim unfair dismissal so ensure legal advice is taken when planning redundancies.
- Will you need to make changes to employment contracts to suit changing working arrangements? Where such changes cannot be agreed how will you drive through these changes? Legal advice should be sought in relation to these issues as claims are likely to arise.
- Will you continue to use the Coronavirus Job Retention scheme? When the scheme winds down, will you need to consider options such as reorganisations or redundancies?



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