



cheringtonhr  
People Management for Business



Helen Astill  
cheringtonhr  
People Management for Business  
HR Professional of the Year (West Midlands)

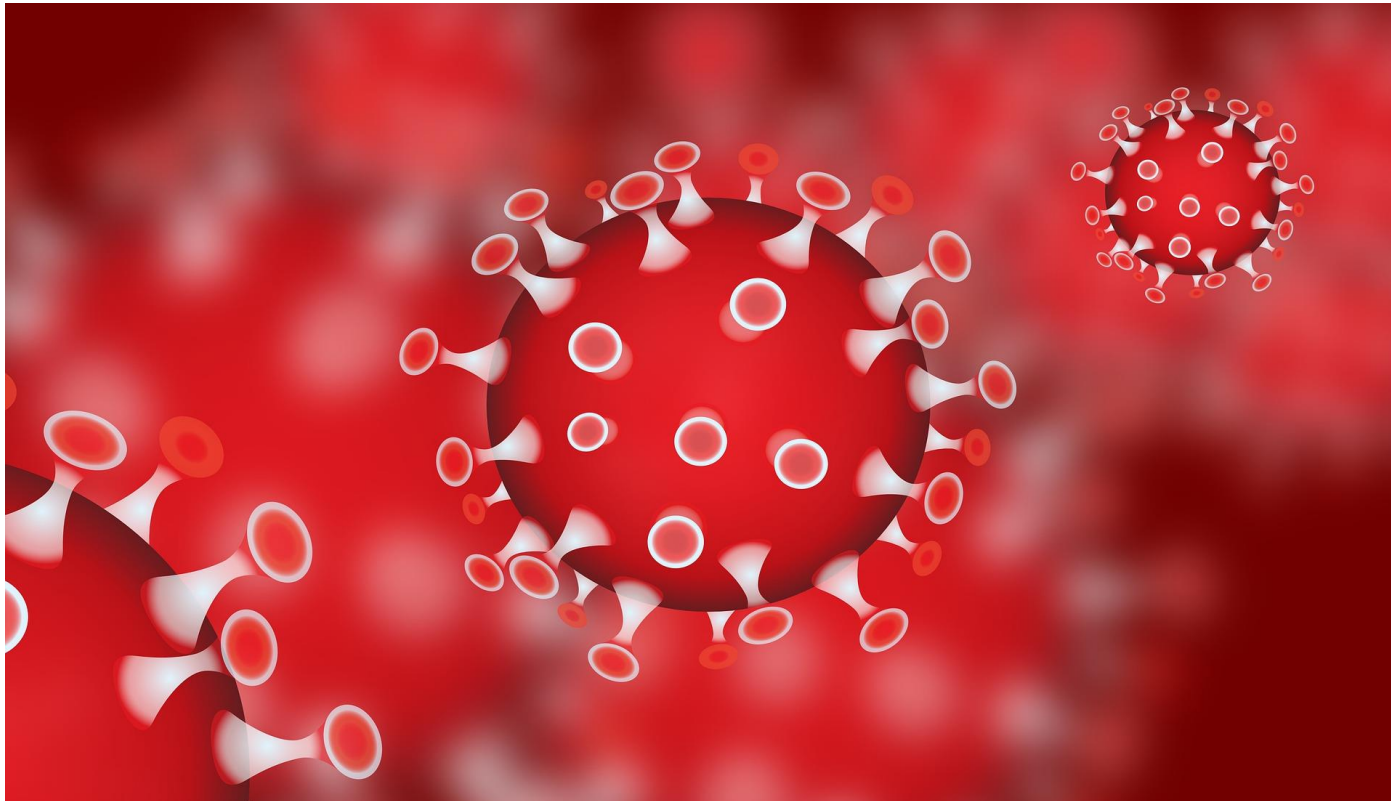
# HR Focus

## *Circle 2 Success June 2021*







**Helen Astill**  
Cherington HR Ltd.



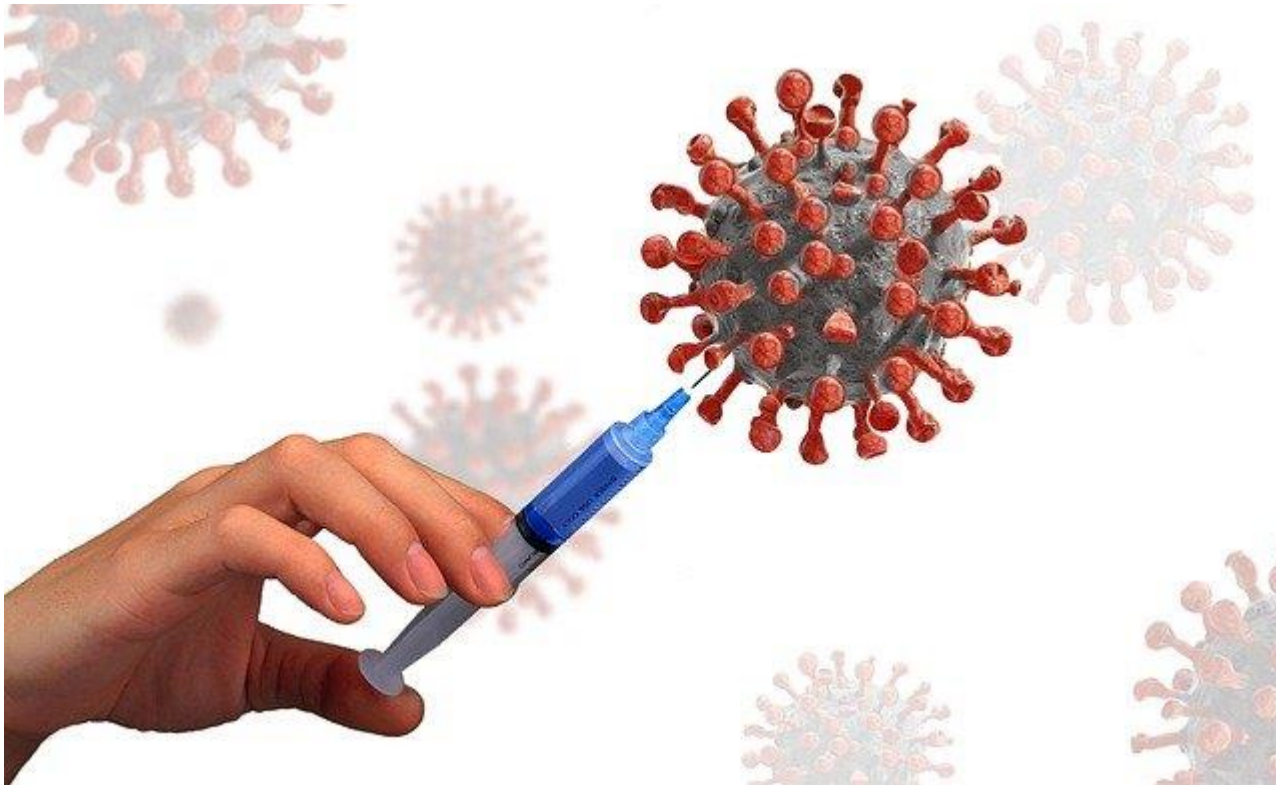
# The Changing Roadmap & HR



## Current Topics

-  Extension to “Work from Home” for another 4 weeks & implications
-  Mandatory Vaccinations?
-  Hybrid Working
-  Likely Tribunal Claims
-  Covid fears – unfair dismissal?
-  HR Resilience

# The vaccination programme working well



# The vaccination programme working well, but...

## UK on track for big wave of infections

Rolling average cases per day, log scale



Source: Department of Health and Social Care

**BBC**

# Roadmap Delayed

- ❑ The lifting of restrictions has been delayed from the expected 21<sup>st</sup> June until 19<sup>th</sup> July.
- ❑ Will have a big impact on many sectors – especially the catering & hospitality and entertainment sectors
- ❑ Knock-on implications:
  - ⦿ Suspending of plans to return to the office & reviewing Covid-secure arrangements;
  - ⦿ Encouraging employees to be vaccinated;
  - ⦿ Checking of right to work in the UK temporary arrangements – adjusted process?
  - ⦿ Extended furlough for some employees;
  - ⦿ Likely redundancies and business failures;
  - ⦿ Employee holiday absences (returning from abroad where countries change from green to amber or red and quarantine implications).

# Mandatory Vaccinations - 1








- ❑ “Jabs for Jobs” Not currently possible (legally) due to Human Rights arguments, but...
- ❑ Government indicated it will be introducing it in care homes for the elderly to protect the people they care for (along the lines of Hep B injections for those working in medical environments). Suggested 16 week compliance window.
- ❑ Exemptions for people who may not be able to have vaccinations for medical reasons (so would need to move affected staff to non-frontline duties or find alternative protective arrangements.)

## Mandatory Vaccinations - 2

- ❑ However, government has not indicated whether this will apply to ancillary areas, so not yet clear whether this will apply to linked environments. This vagueness does not help employers!
- ❑ Best to encourage and support employees to have the vaccination rather than insist.
  - Covid Risk Assessment – what other duties could you give people and/ or what other measures could you take?
  - Paid time off to attend vaccination appointment.
  - Paid sick leave if unwell due to side effects
- ❑ Existing employees vs new recruits. What can you do?



# Hybrid Working - 1



-  Think about whether this is employer or employee led?
-  If request from employee – use Flexible Working Request process
-  Who is covered?
  -  Length of Service
  -  Roles?
  -  Decision Process – reasons for rejection
-  Split between onsite/ WFH?

## Hybrid Working - 2

- 👤 Staff welfare & loneliness
- 👤 Individual circumstances (e.g. facilities to work from home?)
- 👤 Flexibility (from both parties)
- 👤 Safe-working measures – in the office & at home
- 👤 Data protection

# Working From Home

 Does this fit your business?

-  Have you got the equipment & infrastructure?
-  Who does it apply to? All staff?

 **Communication**




 **Negotiation**

 **Productivity & Performance  
Management**

 **Salary Adjustments?**

 **Records & Review**

# Likely Tribunal Claims - 1

-  Tribunal Members have received training on likely claims expected as a result of the Pandemic.
-  Backlog still large – expect 18 to 24 months delay, but use of CVP has enabled quicker resolution of cases.
-  Will be a gradual return to in person hearings, but CVP will be used to continue to clear that backlog – and use members from other regions.

## Likely Tribunal Claims - 2

- 👤 Age discrimination – selecting older employees for furlough whilst younger people remained at work.
- 👤 Discrimination in choice of staff for redundancy
  - 👤 *“Having furloughed them, can see how much more productive remaining workforce is.”*
  - 👤 Still need to follow fair selection process
- 👤 Whistleblowing (PID) – fraudulent furlough claims (e.g. being asked to work whilst company submitted claims under the CJRS)

# Likely Tribunal Claims – Covid Fears

- ❑ Section 44 ERA Claims – “serious and imminent danger” from Covid whilst at work.
- ❑ It is the employee’s belief that matters, not the employer’s opinion
- ❑ Danger is widely interpreted, and the actions of other employees count
- ❑ Potential danger is not “imminent”
- ❑ Employees can take positive steps to protect others from danger even if it hurts their employer’s business

# Likely Tribunal Claims – Covid Fears

- ❑ The “danger” doesn’t have to be to fellow workers
- ❑ Damages under section 44 and 100 of the Employment Rights Act are unlimited, subject to no qualifying service requirement and may be extensive
- ❑ Constructive dismissal claims are likely if employers fail to deal with health and safety issues
- ❑ The rights are individual and not collective
- ❑ Right extended to Workers to detriments occurring on or after 31<sup>st</sup> May 2021.
- ❑ First example of this – Rodgers Vs Leeds Laser Cutting (ET)

# HR Practitioners – absolutely exhausted!







**cheringtonhr**  
People Management for Business



Helen Astill  
cheringtonhr  
People Management for Business  
HR Professional of the Year (West Midlands)



**Helen Astill**

**BSc(Hons), MEd, MA(HRM),  
Chartered FCIPD**

**Managing Director, Cherington  
HR Ltd.**

[helen@cheringtonhr.com](mailto:helen@cheringtonhr.com)

<https://cheringtonhr.com/>

@CHERINGTON\_HR

**01684 594773 or 07929 084153**

© Cherington HR Ltd. 2021