



Public Sector Webinar – Return to the Workplace

Kim Howell, Partner

Helen Snow, Senior Associate

Ramyar Hassan, Solicitor

23 June 2021

@geldards

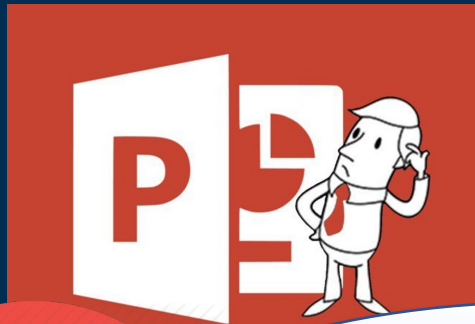
**YOU'RE
ON MUTE!**



**Please stay on
mute during the
presentation**



**Feel free to put
on your camera.
We've missed
you.**



**We will send you a
copy of the slides and
recording shortly
after the webinar**



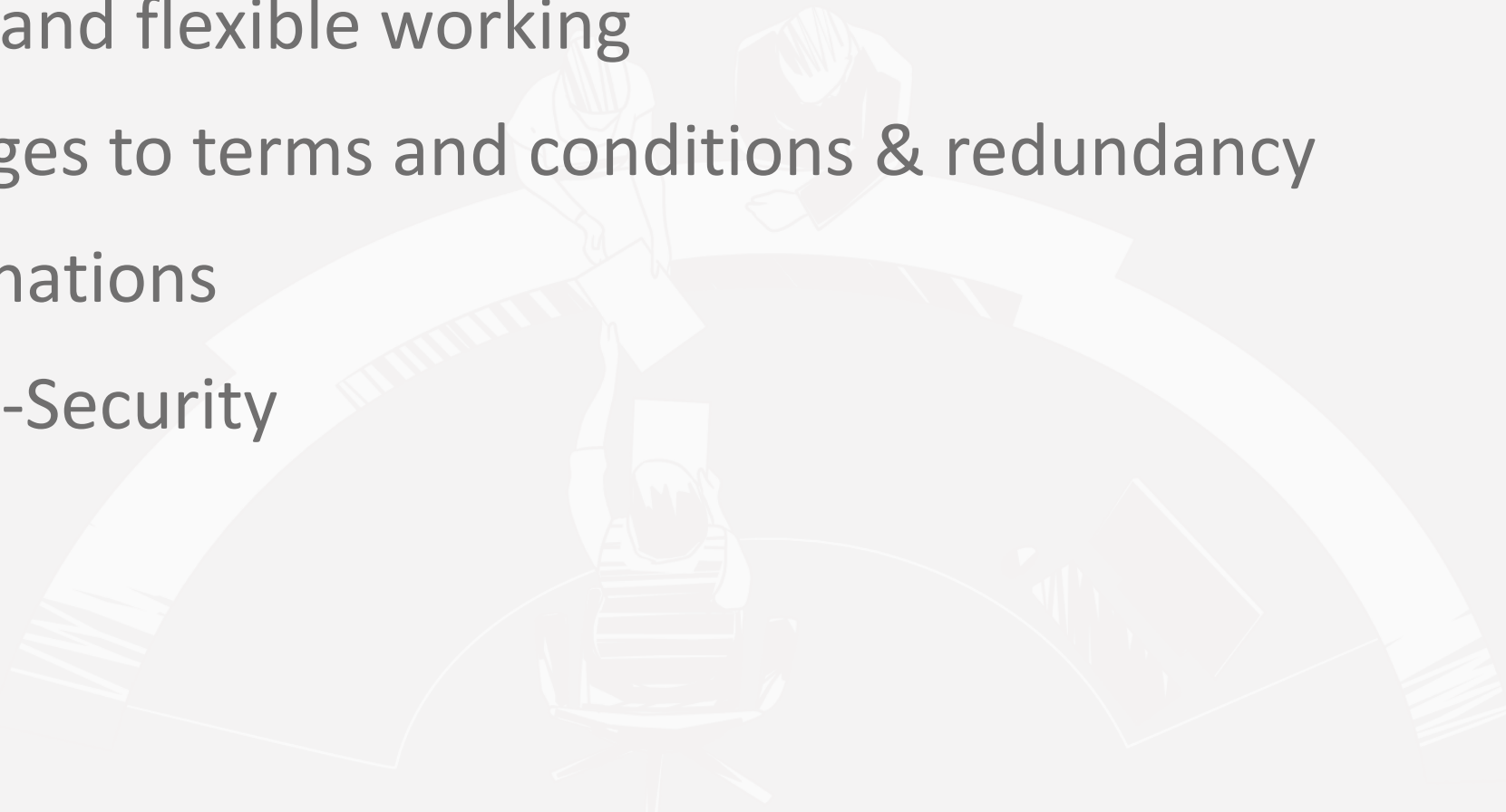
**Please use the
chat function to
ask a question**



CHAT

Agenda

- Agile and flexible working
- Changes to terms and conditions & redundancy
- Vaccinations
- Covid-Security



Agile & Flexible Working



The Headlines

- CIPD – “**Home working set to more than double compared to pre-pandemic levels once crisis is over**”
- Average proportion of workforce working from home during the pandemic - **54%**
- Proportion of staff working from home full time will increase to **22% from 9%**
- Proportion of staff working from home on a regular basis will increase to **37% from 18%**

Agile vs Flexible – What is the difference?

- Agile working
 - Encompasses different styles of working
 - Freedom within their current contractual terms
 - Won't necessarily amount to a change to terms and conditions

Agile vs Flexible – What is the difference?

- Flexible working
 - Statutory right to make a request to work flexibly
 - 26 weeks continuous service
 - Statutory ACAS Code of Practice
 - ACAS statutory code
 - Business reason for the refusal
 - Consultation on flexible working
 - Flexible working becomes the default option

Legal & Practical Considerations

- Place of work
- Hours of work
- Expenses
- Confidentiality
- Equipment & Monitoring
- Data protection and Information Security
- Health & Safety

Changes to T&Cs and redundancy



Key questions

- Can an employer require employees to work at home?
 - Changing terms and conditions
 - By collective agreement
 - Individual agreement
 - Dismissal and re-engagement
 - Business reasons for make the change should be clear and compelling
 - Collective consultation obligations 20+ staff

Key questions

- What happens if the employee refuses?
 - Redundancy?
 - "An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to -
 - (a) the fact that his employer has ceased or intends to cease -
 - (ii) to carry on that business in the place where the employee was so employed.
- Dismissal – SOSR
- Discrimination

Key questions

- Must an employer permit homeworking?
 - Flexible working requests must be consider according to statutory framework
- What if everyone wants to work from home?
 - Hierarchy?

Vaccination Issues



No Jab No Job?

BBC Sign in Home News Sport Weather iPlayer Sounds CBBC CBeebies More Search

NEWS

Home Coronavirus Brexit UK World Business Politics Tech Science Health Family & Education More

UK England N. Ireland Scotland Alba Wales Cymru Isle of Man Guernsey Jersey Local News

Covid vaccine to be compulsory for England care home staff

By Mary O'Connor & Marie Jackson
BBC News

4 days ago Comments

Coronavirus pandemic



GETTY IMAGES

Covid vaccinations are to become compulsory for staff at care homes in England, Health Secretary Matt Hancock has said.

Top Stories

July 19 'looking good' for lockdown end - Johnson
But the PM plays down suggestions the government is looking at relaxing rules for the double-jabbed.
5 hours ago

Scotland's Gilmour tests positive for Covid-19
3 hours ago

Sturgeon defends Scotland-Manchester travel ban
9 minutes ago

Features

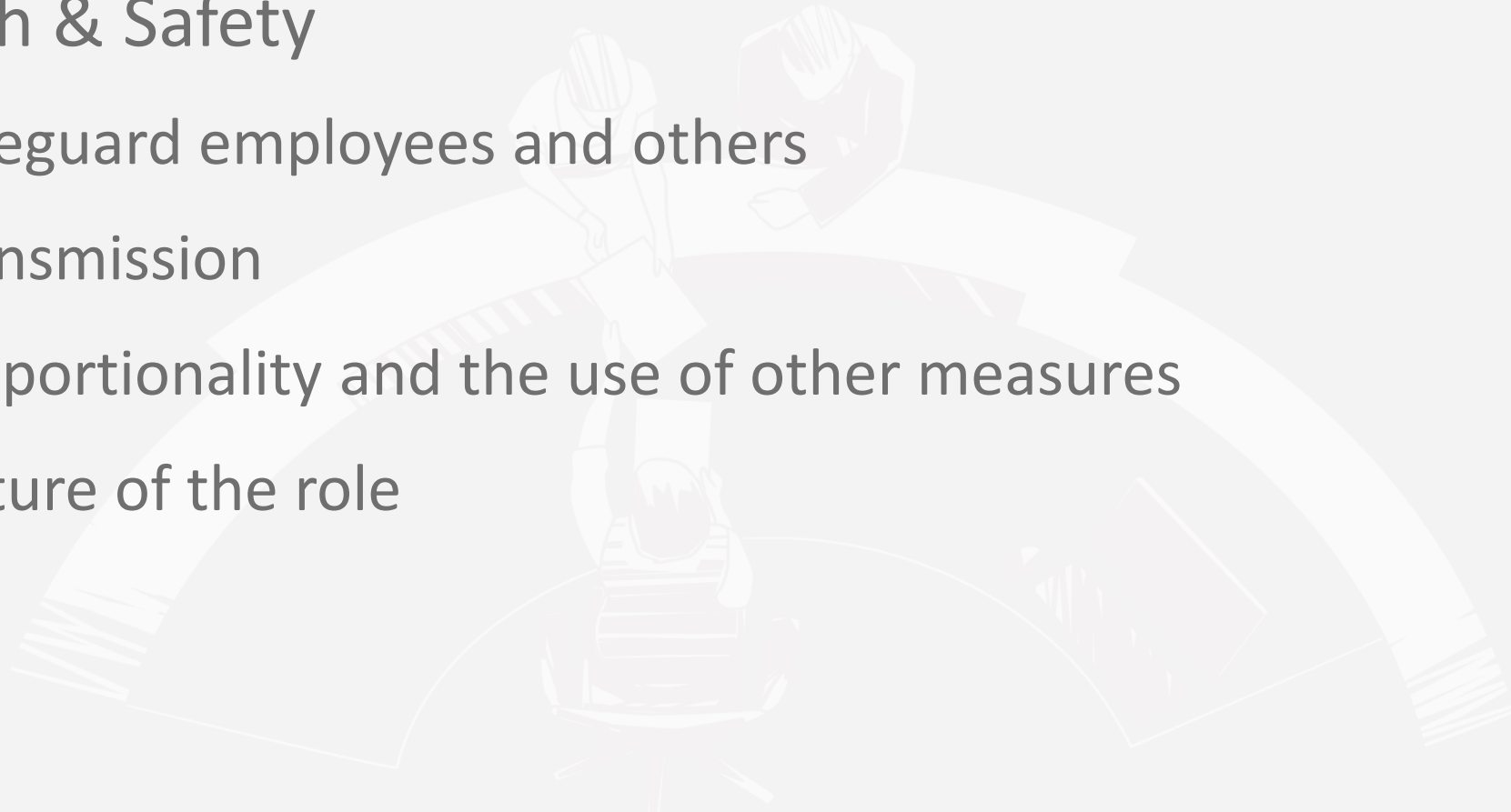


The Lazarus heist: How hackers tried to steal \$1bn



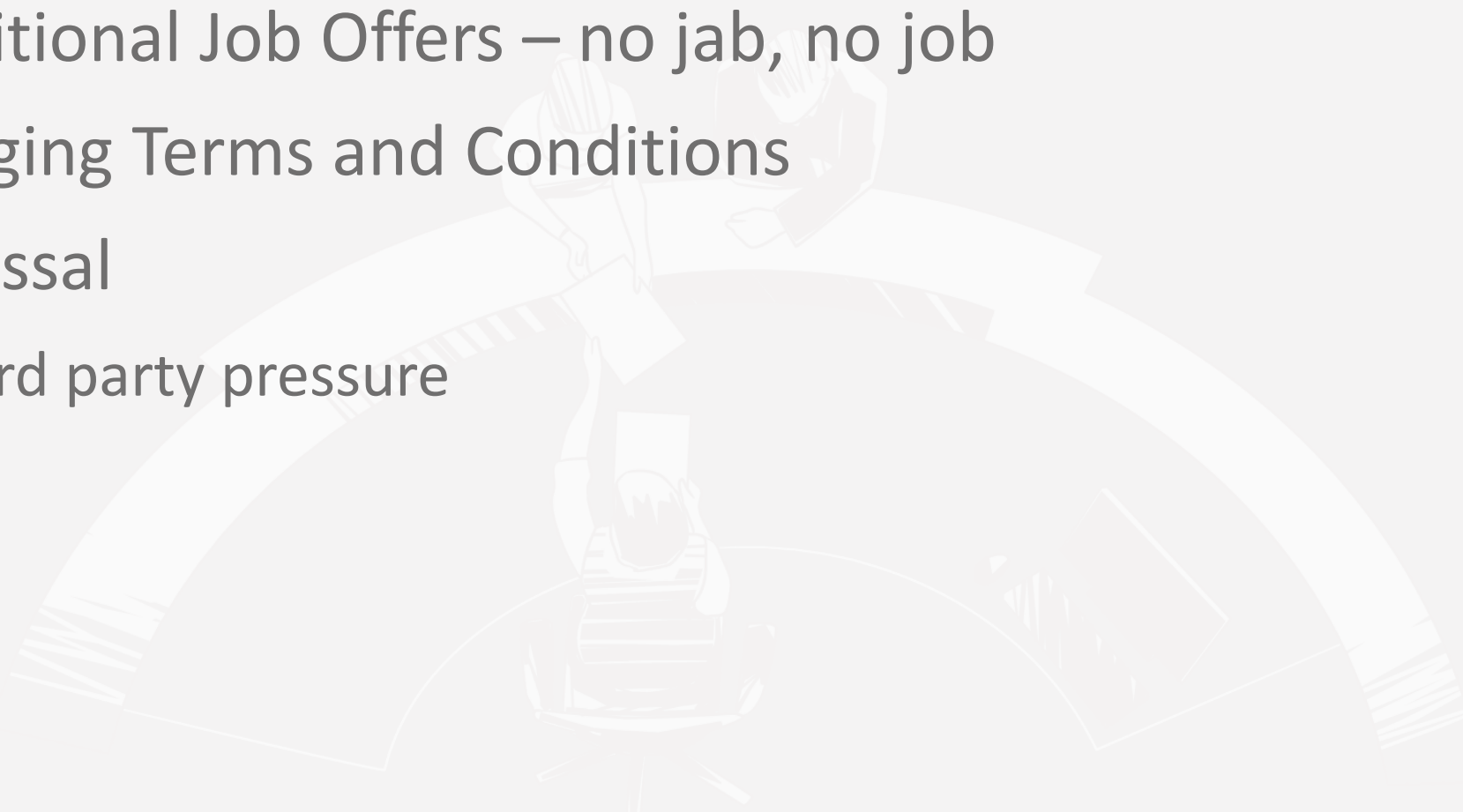
The legal basis

- Health & Safety
 - Safeguard employees and others
 - Transmission
 - Proportionality and the use of other measures
 - Nature of the role



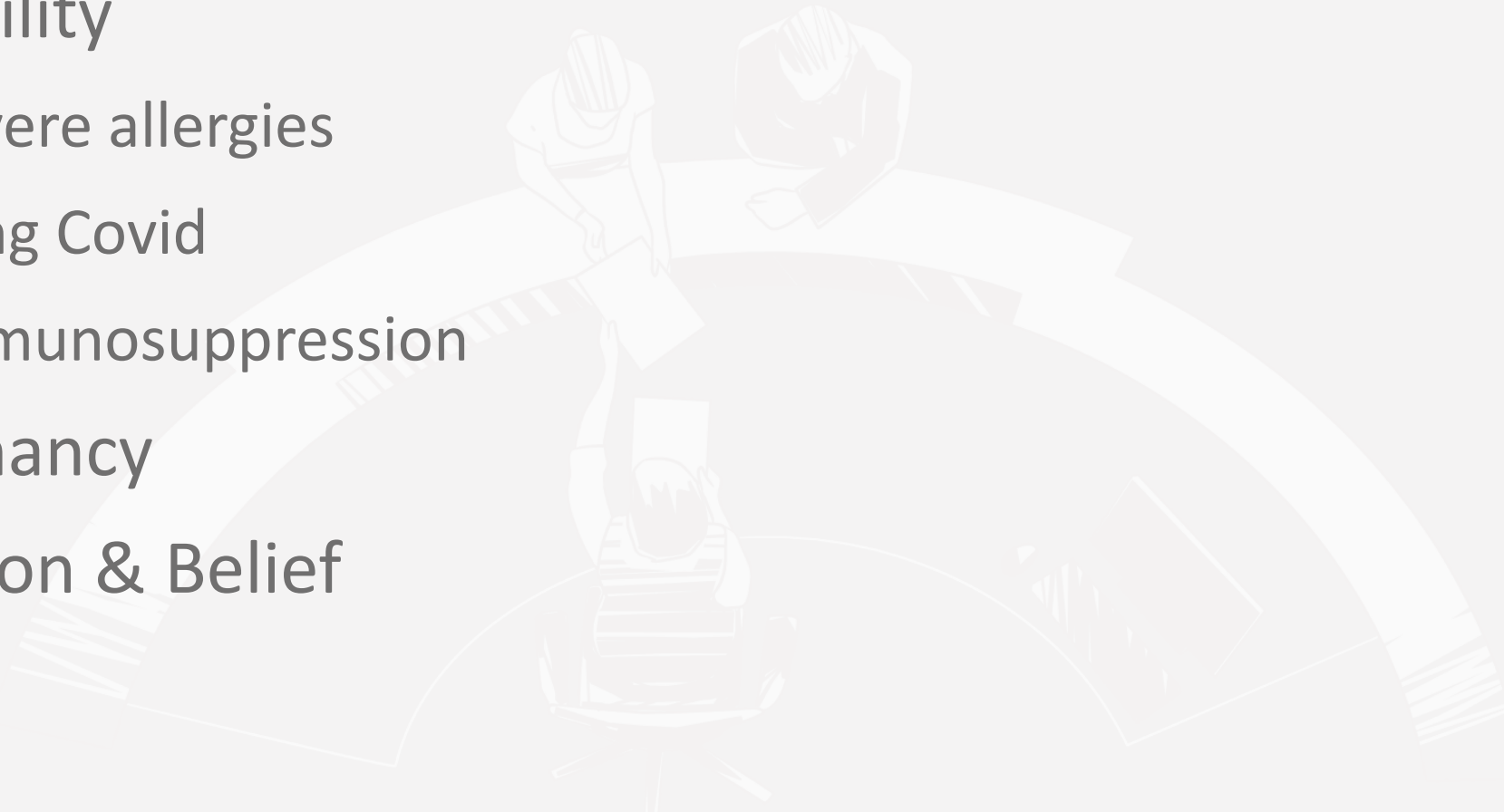
Employment Law

- Conditional Job Offers – no job, no job
- Changing Terms and Conditions
- Dismissal
 - Third party pressure



Discrimination

- Disability
 - Severe allergies
 - Long Covid
 - Immunosuppression
- Pregnancy
- Religion & Belief
- Age



Asking about vaccinations?

- Data Protection considerations
 - Special Category Data
 - Lawful Basis
 - Conditions for processing
- Anonymous survey

Covid-19 Security

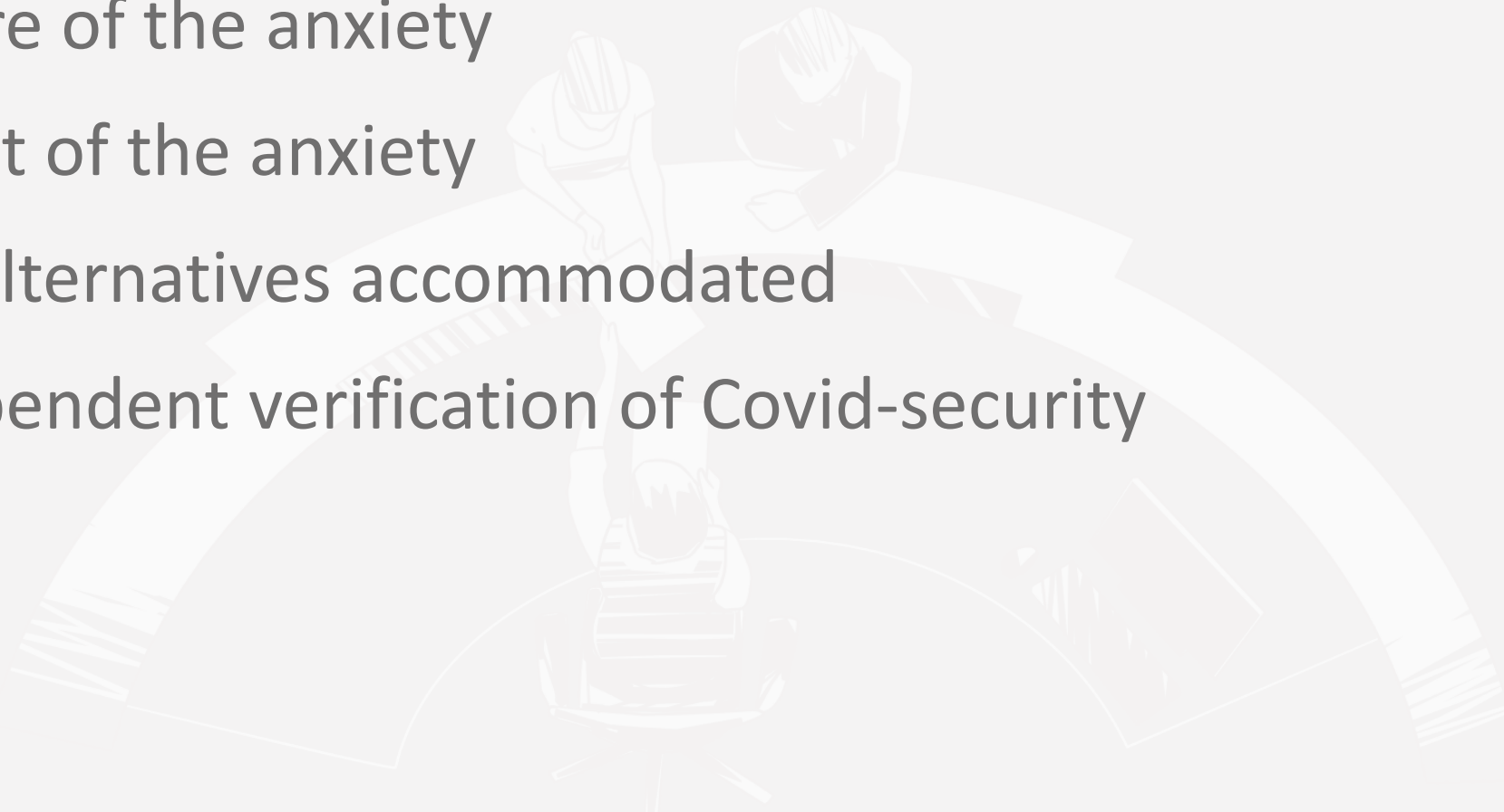


Covid-19 Security – The Reluctant Employee

- An employee refuses to return to the workplace and wants to work from home full time
- The employee was very ill with Covid-19
- Believe that they caught it from the workplace
- Has made full recovery but has developed anxiety about returning to the office

Covid-19 Security – The Reluctant Employee

- Nature of the anxiety
- Extent of the anxiety
- Can alternatives accommodated
- Independent verification of Covid-security



Any questions



Next Webinar

Commercial tenancies post COVID-19

Wednesday 21st July 2021 10:00am - 11:00am

In this session we will take a look at rental arrears, the protections available to tenants and options for landlords for recovery of arrears, along with lease renewals, the types of clause that landlords and tenants might seek to introduce at lease renewal on pandemic related premises closures and whether they are likely to be agreed or imposed by the court.

Henry Bright, Solicitor – Commercial Property

 Register Now

To book onto this webinar and to view the full 2021 training schedule follow the link on the chat function.

Contact details



Kim Howell

Partner

+44 029 2039 1471

Kim.howell@geldards.com



Helen Snow

Senior Associate

+44 029 2039 1497

helen.snow@geldards.com



Ramyar Hassan

Solicitor

+44 029 2039 1788

ramyar.hassan@geldards.com

“First-class practice, known for its ‘stunning advice’”

Client quote, Legal 500 – the world’s largest legal referral guide



Cardiff

4 Capital Quarter,
Tyndall Street
Cardiff, CF10 4BZ
Tel: +44 (0)29 2023 8239

London

80 Coleman Street
London
EC2R 5BJ
Tel: +44 (0)20 7620 0888

Derby

Number One Pride Place
Pride Park
Derby DE24 8QR
Tel: +44 (0)1332 331 631

Nottingham

The Arc
Enterprise Way
Nottingham NG2 1EN
Tel: +44 (0)115 983 3650