

Possible post-lockdown plans revealed

Employer organisations have been asked for their views on a draft Government plan which sets out how and when anti-coronavirus restrictions can be relaxed so that more people can return to work. We take a closer look at what is currently known about the plan below:

- The Prime Minister is expected to reveal more details on easing the lockdown on Sunday 10 May 2020, once the Government has taken account of reactions to the draft and of the latest evidence of the spread of infection.
- Whilst not yet confirmed, the draft is reported to outline that employers will be expected to carry out a specific risk assessment before re-opening their premises.
- They will also need to consider introducing special hygiene measures, physical screens between workstations, social distancing measures and increased use of personal protective equipment (PPE) if social distancing in the workplace is difficult. Higher levels of deep cleaning will be expected.
- Businesses are to be encouraged to maintain as much home working as possible, introduce staggered shift times to avoid the pre-pandemic rush hours and lay on more car parking space to avoid colleagues giving each other lifts.
- It is also expected that employers will need to reduce hot-desking and sharing of equipment, close canteens, restrict the use of lifts and stairways, avoid face to face meetings and monitor employees' physical and mental health.

New guidance on furloughing TUPE staff

The Government has confirmed that employees who were subject to a TUPE transfer after 28 February 2020 can be furloughed and the new employer can claim for their wages via the Job Retention Scheme. This reverts the position back to original guidance that which had been in place before 15 April 2020.

Did you know?

The Job Retention Scheme permits employers to claim 80% of furloughed employee wage costs, with the aim of helping them to retain staff during the coronavirus outbreak. Staff transferred after 28 February 2020 be on their 'new' employer's payroll, and a RTI submission made, on or before 19 March 2020.

Law Commission pushes for increased tribunal powers

In a report containing 23 recommendations, the Law Commission has called for a number of reforms to the tribunal procedure, including the ability to hear breach of contract claims whilst employees are still employed. It also suggests the time limit for bringing all claims to be extended to six months.

Did you know?

The Ministry of Justice are in the process of reforming the Employment Tribunal system as part of a modernisation of courts and tribunals. They have indicated that there are no plans to consider radical structural change, however the Commission states its report works within the boundaries set by the Government.

European Court provides 'worker' status clarity

In a recent case, the European Court of Justice has outlined that EU law prevents a self-employed individual from really being a 'worker', and therefore entitled to additional employment rights, when they are afforded discretion in a number of areas, including the ability to use subcontractors and refuse work.

Did you know?

'Employment status' is the arrangement under which an individual is engaged to work for a company. UK law outlines that 'workers' perform services personally for an organisation that is not considered their client or customer. Self-employed individuals have a client/customer arrangement in place.

New social distancing measures are expected to be place for some time and companies need to be ready for this. For guidance on how to prepare and manage staff through this period, call our 24 hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.