



This Week in Employment Law

25-05-2020

Govt confirms June's reopen list

The government has now confirmed which businesses are going to be permitted to reopen, and when, as lockdown is eased over the coming weeks in England. These are subject to the rate of coronavirus infections remaining low. We take a closer look at these dates below:

- Initially, from 1 June 2020, outdoor markets and car showrooms will be able to reopen.
- From 15 June 2020, all other non-essential retail outlets can reopen.
- These include businesses which sell clothing, shoes, toys, furniture, books and electronics.
- Also on the 15 June list are auction houses, photography studios and indoor markets.
- From early July, hospitality venues and other public places, such as pubs, restaurants, hairdressers and nail bars are also expected to reopen, however this is not yet confirmed.
- All businesses will need to demonstrate that they are COVID-secure in line with government guidance prior to reopening.
- Risk assessments, undertaken through consultation with trade unions/employee representatives, will also be required.
- Employers who have furloughed employees should now seek to end furlough arrangements and agree a return to work plan, bearing in mind that not all employees may be able to return at the same time in line with social distancing guidelines.
- Having a pre-return to work discussion with employees is key to formulating the return to work plan.

Whistleblowers revealing 'rife' furlough fraud

Whistleblowers' charities have outlined a large number of calls reporting abuse of the Job Retention Scheme, which helps employers cover wage costs of furloughed employees. Complaints include furloughed staff being asked to work without pay and employers claiming wages for a 'ghost' employee.

Did you know?

The government has previously confirmed that the Job Retention Scheme has been constructed to prevent spurious claims. Currently, employees can report their employer's fraudulent use of the Scheme to the HMRC. Payments to the company could be withheld, or need to be repaid, if the complaints are found to be accurate.

BA to re-hire staff on worse terms, says unions

Trade unions have accused British Airways of seeking to impose less favourable terms of employment on staff, such as lower salaries, by firing and re-hiring them. These accusations come after BA announced last month it was to consult with unions to make 12,000 jobs redundant as a result of the coronavirus crisis.

Did you know?

Generally, in situations where employers are seeking to change the terms and conditions of employment, staff will need to agree to this. If staff refuse to agree, employers can seek to impose the change by dismissing and re-hiring them. However, this runs the risk of an unfair dismissal claim.

Acas publishes new mental health guidance

The guidance is constructed to help employers manage staff wellbeing during the coronavirus crisis, both before and after their return to work. It outlines steps management should take to assist staff, maintain their own mental health and encourage positive mental health at work overall.

Did you know?

The Acas guidance is voluntary. However, employers have a duty to protect the health, safety and wellbeing of their employees. This extends to safeguarding their mental health, and will cover aspects such as taking action to prevent workplace stress that leads to poor mental health.

Lockdown easing measures form part of a continually developing situation and may be subject to change. Our 24-hour Advisory Service is on hand to provide up-to-date guidance on when your business can reopen and key steps you will need to take.

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