

LOCKDOWN

This Week in Employment Law

10-08-2020

Implications of coronavirus local lockdown

Since 18 July, Local Authorities in England have been able to take action to implement local lockdown measures. We explore what employers need to know below:

- So far in England, Leicester, Blackburn with Darwen, and Luton have faced local lockdown measures after spikes in cases of coronavirus, with businesses in these areas facing increased restrictions and some having to remain closed.
- Other regions, in Northern England, have had stricter measures imposed on them but businesses have so far been unaffected.
- Even though businesses may not be asked to close, depending on the gravity of the coronavirus issue in the region, employers still need to act quickly on any news of local restrictions as they could be impacted if cases continue to rise.
- Employers can contribute towards preventing local lockdown measures by making workspaces as safe as possible.
- This involves enforcing social distancing of at least one-metre-plus and encouraging staff to self-isolate and co-operate with guidance.
- Shift patterns can also be changed to reduce the number of staff in the workplace at any given time.
- If businesses are told to close then employers can consider a period of homeworking, where possible.
- Alternatively, employers can continue to furlough staff under the Job Retention Scheme until 31 October, provided staff have been furloughed previously.

Redundancy rates continue to surge

According to the CIPD, one in three employers are expecting to make redundancies before the end of 2020. After surveying over 2,000 organisations, they found that there has been a 50% increase in the number of employers planning to make redundancies. 38% of employers within the private sector plan to make job cuts this year.

Did you know?

It can be useful for an employer to reduce compulsory redundancies by accepting volunteers. This can have the advantage of allowing those who want to leave to do so. However, alternative options should also be considered such as possible pay cuts, reviewing bonuses, or continued furlough.

New law on furlough and redundancy payments

Furloughed employees who are then made redundant will receive redundancy pay based on their normal wage, rather than a reduced furlough rate, under a new law which came into force on 31 July 2020. It should be noted that the new legislation does not affect any enhanced redundancy pay but applies to basic statutory redundancy pay entitlements.

Did you know?

An employee who is made redundant will, in addition to their notice and any accrued holiday pay, be entitled to a statutory redundancy payment if they have two years' continuous service, which is calculated on the basis of an employee's age, length of service and weekly pay.

Appeal court hears mental impairment case

An Employment Appeal Tribunal has upheld the lower court's decision that the claimant, who was fired from her role, had not shown clear evidence that her 'mixed personality disorder' had a substantially adverse effect on her daily activities. It was held that, as she could not demonstrate that she had a disability, her discrimination claim failed.

Did you know?

Personality disorders can be a tricky area. Employers should always carefully assess situations where staff are struggling in their role as it may indicate that they have a disability, meaning they are protected from discrimination under the Equality Act 2010.

Whilst the Government has said that it will likely not be introducing another national lockdown measure to tackle rising coronavirus cases, localised lockdown measures or restrictions are a very real possibility. Our 24-hour Advisory Service is on hand to provide up-to-date guidance and breakdowns on this and more.

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