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This Week in Employment Law

14-09-2020

Prime Minister's national coronavirus update

Prime Minister Boris Johnson made a statement on 9 September regarding his plans to tackle a rise in coronavirus cases. We explore what employers need to know below:

- In England, the "rule of six" came into effect on Monday 14 September. This means that individuals cannot meet in groups of more than six either indoors or outdoors (unless the limited exceptions apply).
- The Prime Minister has stated that this does not apply to workplaces, however, it is unclear whether it will apply in future if cases continue to rise.
- Venues such as pubs can have more than six people in them altogether, but individual groups cannot be more than six – this is subject to local lockdown rules as currently in Bolton, no hospitality venue can have indoor customers.
- Employers in the organised sports business can also still proceed as planned as this rule does not yet affect them.
- Premises and venues where social gatherings take place, such as hospitality buildings, will be legally required to request contact details from individuals and keep them for 21 days to support the NHS Test and Trace system.
- Current plans to pilot larger audiences in stadiums, and at conferences, from 1 October are to be reviewed – there is no confirmation as to whether this is definitely going ahead or if it is cancelled.
- The Prime Minister also confirmed that the Job Retention Scheme will not be extended past 31 October.

New grant for employers under local lockdown

The Government has announced that a new grant of up to £1,500 per business, paid every three weeks, has been approved in England for businesses that must close as a result of local lockdown measures. This new grant will not yet apply to all businesses across England as a trial scheme is currently ongoing in Blackburn with Darwen, Pendle, and Oldham only.

Did you know?

None of the numerous government initiatives have a caveat that they cannot be used together. Therefore, employers who apply for this new grant can still furlough their eligible employees until the end of the Job Retention Scheme on 31 October 2020; as well as other initiatives.

National Minimum Wage 'emergency break'?

A report by the Sunday Telegraph suggests that the Government may, due to the coronavirus, be considering scrapping the annual increase of the National Minimum Wage and National Living Wage next year. It is likely, according to the newspaper, that Chancellor Rishi Sunak will be making the announcement in the upcoming Budget this Autumn.

Did you know?

In the fourth quarter of 2019, the Government pledged that it would increase the national wage to reach "60% of median earnings in the next four years". The national minimum and living wages are increased in April of every year with the year 2020 seeing a record increase.

Appeal Tribunal hears SOSR dismissal

The Employment Appeal Tribunal has held that a teacher was unfairly dismissed because of reputational risk as a result of an investigation brought against him for allegedly downloading indecent images of children. It was found that there was no detailed evidence or press interest, and the claimant had been honest, thus there was no 'reasonable suspicion' of his guilt.

Did you know?

If a dismissal for reputational damage is considered, this needs to be made clear at the start and employers will need to conduct full investigations. This is to help them to come to a reasonable conclusion that the employee committed the act they are being accused of.

Although the "rule of six" does not impact upon workplaces, local lockdown might have an adverse impact. Our 24-hour Advisory Service is on hand to provide up-to-date guidance on tackling this and more.

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