

## New lockdown measures for England announced

**Prime Minister Boris Johnson has announced new lockdown measures that will apply in England. We explore what employers should be aware of below:**

- Guidance on where employees should work has changed again; Johnson has now reverted to the position that employees are to "work from home if they can".
- In key public services and all professions where homeworking is not possible, such as construction or retail, employees should continue to attend their workplace.
- The shift in advice means that employers will need to consider implementing a new, or further period, of homeworking for employees.
- No new business closures are required, although those located in local lockdown regions must continue to adhere to closures already in place.
- Pubs, bars and restaurants across England must close at 10pm each night from Thursday 24th September, and offer table service only.
- Shielding will not be re-introduced on a national basis at this point, although it may be prescribed as part of local lockdowns.

### Year groups sent home due to coronavirus

Some schools across England have experienced cases of coronavirus amongst staff and pupils. In most cases the entire school has not been forced to close but various classes and year groups have been instructed to go home to self-isolate meaning that employers have had to consider alternative working options for affected employees.

#### Did you know?

Employees are legally entitled to unpaid time off for dependants in case of an emergency, such as those arising from coronavirus, and employers should not reasonably refuse it. Employees must inform their employer of the need to take the time off and how long it will last.

### Tribunals go virtual as the virus persists

The Government is allowing more flexibility for employment tribunals to hold hearings online. This new development comes as coronavirus cases continue to rise across the country and the backlog of claims continues to mount. This new flexibility for holding hearings remotely will come into force on Thursday 8th October 2020.

#### Did you know?

There is currently a backlog of around 45,000 employment tribunal cases in the system. The Law Gazette has reported that some cases are being listed for hearing in 2022. It appears that employers must prepare for a long wait if a claim is brought against them.

### Non-binary staff protected by equality law, ET rules

An employment tribunal has held that a non-binary employee is protected against discrimination under the Equality Act 2010. Hearing that the claimant had been subjected to abuse from colleagues after beginning to present as non-binary, the tribunal found that the claimant is covered under the 'gender reassignment' element of the Act.

#### Did you know?

This is the first time that this issue has been considered by an employment tribunal. The judgement in this case does not change the legal stance of protection, nor does it compel employers to make changes. However, it could eventually lead to an official change in the law.

Employers who are once again implementing a period of homeworking will be able to rely on previous experiences but problems can still arise. Our 24-hour Advisory Service is on hand to provide up-to-date guidance 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.