

Update

This Week in Employment Law

12-04-2021

Roadmap out of lockdown: Wales update

The First Minister of Wales, Mark Drakeford, confirmed some updates to the country's roadmap out of lockdown on 9 April 2021. We explore what employers should know below:

- Drakeford has confirmed that gyms, leisure centres and fitness facilities in Wales will now open earlier than planned.
- Initially, these businesses were scheduled to re-open on 10 May 2021, however, they will now be able to re-open a week earlier
- on 3 May 2021 due to a decline in coronavirus cases in the country.
- This change will include fitness facilities offering individual or one-to-one training, but not exercise classes.
- In addition to this, the commencement of organised outdoor activities for up to 30 people has been brought forward from 3 May 2021 to 26 April 2021.
- This means that employers running these businesses and activities will need to bring staff back to work earlier than planned.
- Also from 26 April 2021, outdoor attractions – including funfairs and theme parks – will be allowed to reopen, as well as
- businesses in the hospitality industry operating outdoors, including cafes, pubs and restaurants.
- Most recently, since 12 April 2021, all pupils have asked to return to the classroom for face-to-face learning and all remaining
- shops and close-contact services can now re-open, including mobile services.
- Homeworking advice in Wales, and across the UK, remains that people should work from home where possible.

Government in talks over social distancing at work

As part of England's roadmap out of lockdown, the Government will be reviewing homeworking measures in tandem with social distancing rules in the workplace. To aid the decision making process, the Department for Business, Enterprise and Industrial Strategy is consulting with employers to get a better understanding of how businesses can bring staff back to into offices safely.

Did you know?

The result of this consultation is yet to be published and a date has not yet been set as to when homeworking and social distancing rules at work can be lifted. However, further updates are expected in time for step four of England's roadmap.

Stage two of England's roadmap has begun

The Government has focussed on data and not dates as lockdown restrictions are eased across the UK. In England, step two of its roadmap out of lockdown has been able to go ahead from 12 April 2021. As a reminder, non-essential retail and personal care premises such as hairdressers, beauty and nail salons can reopen. Indoor leisure facilities, such as gyms and spas (except saunas), and others can also re-open.

Did you know?

Eligible businesses can still make use of the Job Retention Scheme until the end of September 2021 if they are still experiencing a decline in demand. Flexible furlough remains an option if staff are not required at work for their full hours.

ET affirms importance of a proper dismissal procedure

The Employment Tribunal (ET) has awarded a claimant payment in lieu of his notice and holiday pay, although his claim for unfair dismissal was not upheld. The claimant was dismissed for making a comment perceived as homophobic after being given a final warning for past misconduct. The ET took no issue with the decision to dismiss but challenged the fact that the dismissal came without notice and the appeal hearing on the decision was unduly delayed.

Did you know?

Typically, dismissing an employee without giving them contractual notice will leave employers liable to a claim for wrongful dismissal not unfair dismissal.

Need advice on bringing staff back to work earlier than planned? Contact our 24-hour Advisory Service for 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.